The City Council of the City of Raleigh met in regular session on Tuesday, February 7, 1984, at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Rev. Jack Coffey, New Hope Baptist Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

RALEIGH GARDEN CLUB - CONTRIBUTION FOR BEAUTIFICATION OF NEW BERN AVENUE MEDIAN - RECEIVED - ORDINANCE ADOPTED

Representatives of Raleigh Garden Club were at the meeting and presented a check in the amount of $500 to be used towards the beautification of the New Bern Avenue median. It was pointed out there is a plan and landscaping project for this median and they would like to donate the $500 to help in carrying out that plan. Mayor Upchurch accepted the contribution indicating he should have asked Mayor Pro Tem Walters to accept this as he has worked long and hard on the improvement of the New Bern Avenue median. Mayor Upchurch expressed appreciation for the contribution. See Ordinance 271.

STUDENT GOVERNMENT MONTH - PARTICIPANTS RECOGNIZED

Mayor Upchurch explained that February is Student Government Month in the City of Raleigh and introduced the Student Government participants in the audience. He indicated the actual work with the City/Student counterparts will begin on Thursday, February 9.

NAACP WEEK - PROCLAIMED

Mayor Upchurch called on Julius S. Nimmons, Jr., and read a proclamation proclaiming February 12 through 17 as NAACP Week in the City of Raleigh. The proclamation was accepted from Mr. Nimmons.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be inacted on one motion. He pointed out if a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Upchurch requested that the bids relating to Mt. Hope Cemetery improvements be withdrawn. Mrs. Block requested that the privilege license relating to the ACC Tavern be withdrawn. City Manager Benton requested that the transfer in the Public Works Department relating to City Council chairs be withdrawn. Without objection, the items were withdrawn as requested. Mr. Calloway moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSES - VARIOUS LOCATIONS - APPROVED; HERBSTEIN, INC. - APPROVED CONDITIONALLY

This is a privilege license application for "Herbstein, Inc., D/B/A The Brewery," located at 3009 Hillsborough Street. The owner/ manager, Charles Kenneth Hobby, is the individual making application. City Code Sections 2-2032 (2), (3), (5), and 12-2118(3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center.

The Police report indicates approval.

The Inspections Division is recommending a conditional approval upon compliance to all Building and Zoning Code regulations.

Recommendation: A conditional approval is recommended subject to all Code regulations being met and approved by the Inspections Division.

A second application was for a massage business license for "Neuromuscular Center," located at 1516 Glenwood Avenue. The owner, Margaret Urguhart, is the individual making the application. City Code Section 12-2134 requires City Council approval before a license may be issued for a massage business.

The Fire, Police, Building/Zoning Inspections reports indicate approval.

Recommendation: It is recommended that the massage business license be approved.

The final application was for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Margaret Urguhart. She will be conducting her business at "Neuromuscular Center," located at 1516 Glenwood Avenue.

The Police report indicates approval.

Recommendation: Approval of this license is recommended.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

MUNICIPAL AGREEMENT - SEABOARD RAILROAD - APPROVED

It is necessary to obtain permission from Seaboard Railroad to install a 24-inch water line under the tracks at the new location of Millbrook Road.

Recommendation: It is recommended that the Council approve the agreement with Seaboard Railroad for the installation of the water line and authorize the Mayor to sign the document.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

SLUDGE DISPOSAL - LEASE OF FARMLAND - APPROVED

The City has been acquiring and leasing land on which the sludge from the wastewater treatment process can be applied. The sludge is applied in conjunction with ongoing farming activities.

Administration has negotiated an agreement for this purpose with the owners of the Ginn Farm which is adjacent to the Neuse River Wastewater Treatment Plant. This arrangement is consistent with previously approved agreements. The City's obligation is to transport and apply the sludge to the land. The owners receives the nutrient value of the sludge as consideration for the use of the land.

Recommendation: It is recommended that the agreement be approved.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

SWIMMING POOL CONTRACTS - BILTMORE HILLS/RIDGE ROAD - RETAINAGE REDUCTION AUTHORIZED

The electrical contractor for the Biltmore Hills and Ridge Road swimming pool projects is S and S Mechanical. He has substantially completed his work except for a calibration by a factory's representative on one type of equipment at these two sites.

This company's retainage has been held at 5 percent for some time. This item does not involve change to the retainage for the general contractor which is involved in the structural work remaining for the Ridge Road Pool.

Recommendation: Because of the small amount of work to be done, it is recommended that the contract retainage be reduced to $450 for the electrical contract.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

PERSONNEL PROCEDURES - UPDATE AND REVISIONS - APPROVED

During the past year, Administration has reviewed all personnel rules (Standard Procedures in the 300 series) for the purpose of updating, clarification, and amendment. The rules have undergone staff review and were reviewed by the Civil Service Commission on January 16. The Commission made two wording changes which have been incorporated and unanimously recommended approval of the proposed procedures as amended. In accordance with the Civil Service Act which requires Council approval of personnel rules, Council approval of revisions to Standard Procedures 300-1 through 300-30 would be necessary.

Included in the Council Agenda packet was a summary of the proposed revisions. The majority of the changes are not substantive. A copy of the actual procedural documents has been placed in the Council office.

Recommendation: It is recommended that the City Council approve the proposed revisions in the personnel rules.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

TEXT CHANGE - BED AND BREAKFAST INNS - PUBLIC HEARING AUTHORIZED FOR MARCH, 1984

On November 15, 1983, the City Council requested that Administration work with groups interested in allowing bed and breakfast inns in residential zoning districts in historic areas. The intent is to help promote rehabilitation of older houses, and encourage the tourist trade in the historic districts near the downtown. Administration has worked with these groups and has developed a proposal.

Council Agenda packets included an amendment to the Zoning Ordinance, to allow bed and breakfast inns in residential and Office and Institution-I zones only in historic districts, pursuant to a special use permit granted by the Board of Adjustment. The ordinance has been endorsed by the Historic Districts Commission and the Society for the Preservation of Historic Oakwood, Inc.

Recommendation: It is recommended that the City Council authorize the Zoning Code amendment for the March, 1984, joint public hearing.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

RSVP GRANT - CONTINUATION AUTHORIZED

The current Retired Senior Volunteer Program (RSVP) Grant expires January 31, 1984. On October 18, 1983, the City Council authorized the filing of the grant application for the period February, 1984, to January, 1985. The Notice of Grant Award has been received.

The total RSVP amount is $95,449, which includes $41,166 from ACTION, $41,166 City share, and $13,117 In-Kind. The $41,166 City share is budgeted in the Human Resources Department budget, line item 01-2-2000-0301.

Recommendation: It is requested that the City Council approve continuation of the RSVP program.

Consent Agenda approval - Calloway/Congleton - 8 ayes.

ORDINANCE NO. (1984) 287

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reflect acceptance of the February 1, 1984-January 31, 1985, Action grant entitled Retired Senior Volunteer Program:

Revenues:

02-1-4390-0100	Action-RSVP-11th Year	$41,166.00
02-1-4390-0101	City Cash Match	41,166.00
02-1-4390-0102	RSVP-In-Kind	13,117.00
	Total	$95,449.00

Expenditures:

02-2-4390-0000	RSVP-11th Year	$ -0-
02-2-4390-0100	Salaries	56,017.00
02-2-4390-0101	Fringes	9,524.00
02-2-4390-0102	In-Kind	13,117.00
02-2-4390-0226	Equipment Maint.	130.00
02-2-4390-0228	Postage/Telephone	2,797.00
02-2-4390-0231	Travel	1,280.00
02-2-4390-0232	Office Rent	1,440.00
02-2-4390-0240	Ptg. & Repro.	542.00
02-2-4390-0260	Office Supplies	525.00
02-2-4390-0265	Volunteer Recog.	973.00
02-2-4390-0266	Insurance	1,020.00
02-2-4390-0267	Volunteer Meals	200.00
02-2-4390-0268	Volunteer Travel	7,884.00
	Total	$95,449.00

Adopted: 2/7/84

TAXICAB OWNER'S PERMIT - VARIOUS - APPROVED ON SECOND AND FINAL READING

During the January 17, 1984, Council Meeting the following applications were approved on the first reading with the understanding they would be placed on this Agenda for a second and final consideration:

John J. Ruffin, Rainbow Cab Company (Individual Owner's Permit);

Rick's Oduor Jayala, Research Triangle Taxi and Transfer Company (Franchise Renewal);

Lynnwood Ray, Ebony Cab Company (Renewal Individual Owner's Permit).

Consent Agenda approval - Calloway/Congleton - 8 ayes.

TAXICAB OWNER'S PERMIT - CORNELL BURRELL LEWIS - APPROVED ON FIRST READING; TO BE ON FEBRUARY 21 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, this application will be placed on the February 21, 1984, Agenda for second and final consideration.

Cornell Burrell Lewis, Ebony Cab Company
(New Individual Owner's Permit)

Consent Agenda approval - Calloway/Congleton - 8 ayes.

BUDGET AMENDMENTS - COMMUNITY DEVELOPMENT AND PARKS AND RECREATION - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Community Development Department in the amount of $1,460 to decrease revenue appropriation to the amount actually received. Another budget amendment in the amount of $25,750 in the Community Development Department was presented to provide sufficient funds for lease payoff at 209 East Morgan Street. A third budget amendment in the Community Development Department was in the amount of $33,065.48 to provide partial funding for Davie Street widening. A budget amendment in the amount of $500 in the Parks and Recreation Department to place into expense accounts the contribution made for the Capital City Trails was presented. Administration recommends approval of the budget amendments as outlined and as detailed in the Agenda. Consent Agenda approval - Calloway/Congleton - 8 ayes.

ORDINANCE NO. (1984) 271

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reflect donation from Raleigh Garden Club for beautification of New Bern Avenue Median.

Revenue:	38-1-0070-0200	Misc. Income	$ 500.00
Expense:	37-2-3000-0157	Raleigh Garden Club	$ 500.00

Section 2. That the 1983/1984 Budget be amended as follows to reflect decreased revenue appropriation to amount actually received:

Revenue:	43-1-4000-0102	Downtown Workshop	$ 1,460.00
Expense:	43-2-4050-0107	Downtown Workshop	$ 1,460.00

Section 3. That the 1983/1984 Budget be amended as follows to provide sufficient funds for lease pay off on 209 E. Morgan Street:

Revenue:	43-1-5000-0101	Program Income	$25,750.00
Expense:	43-2-5051-0100	Acquisition/NBP	$25,750.00

Section 4. That the 1983/1984 Budget be amended as follows to provide sufficient funds for Davie Street Widening:

Revenue:	43-1-5000-0101	Program Income	$33,065.48
Expense:	43-2-5070-0101	Davie Street Widening	$33,065.48

Section 5. That the 1983/1984 Budget be amended as follows to place into expense account contribution made for Capital City Trails:

Revenue:	37-1-0070-0200	Misc. Income	$ 500.00
Expense:	37-2-3000-0187	Capital City Trail	$ 500.00

Adopted: 2/7/84

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER F-7 - MANAGER'S ACTIONS CONCURRED WITH

The Agenda indicated City Manager Benton has administratively approved Change Order F-7 relating to E. M. Johnson Water Plant Expansion - Roberts Filter Manufacturing Company. The reason for the change order was time extension only and there was no financial change in the contract. Concurrence with the Manager's action is recommended. Consent Agenda approval - Calloway/Congleton - 8 ayes.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDERS F-6 AND G-6 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order F-6 relating to E. M. Johnson Water Plant Expansion - Roberts Filter Manufacturing Company. The change order is for an addition of $26,920. The Agenda explained the change order, reason and budget accounts that need to be amended if the change order is approved. The Agenda also presented Change Order G-6 - Constructors, Inc. relating to the same project. This change order is an addition of $2,017. and again the Agenda explained the reason for the change order and budget accounts that should be amended. Administration recommends approval of the change orders and transfers as outlined. Consent Agenda approval - Calloway Congleton - 8 ayes. See Ordinance 272 TF 14.

N. C. 50 12-INCH WATER MAIN - CHANGE ORDER 1 - APPROVED

The Agenda presented Change Order 1 - Final - J. F. Wilkerson Contracting Company, Inc. relating to the installation of a 12-inch water main in N. C. 50. The change order is a deduction of $4,582.08. The Agenda explained the reason for the change order and the budget accounts that need to be amended. Administration recommends approval. Consent Agenda approval - Calloway/Congleton - 8 ayes. See Ordinance 272 TF 14.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda Packets a list of transfers that have been approved administratively by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval - Calloway/Congleton - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
43-2-4050-102	43-2-4050-107	$113.80
43-2-5090-229	43-2-5090-229	800.00
38-2-3040-100	38-2-3040-104	302.50
01-2-4130-257	01-2-4130-257	950.00
19-2-8410-269	19-2-8410-534	170.00
01-2-4020-282	01-2-4020-225	950.00
01-2-1040-001	01-2-1100-230	550.00
19-2-8370-534	19-2-8370-260	300.00
18-2-0200-260	18-2-0200-221	250.00
01-2-4020-270	01-2-4020-629	25.67
01-2-5100-601	01-2-5100-706	698.00
43-2-5100-261	43-2-5100-260	250.00
37-2-2430-105	37-2-2430-201	58.63
19-2-8130-554	19-2-8130-271	150.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND CONTINGENCIES - ORDINANCE ADOPTED

The Agenda listed recommended transfers within various accounts and appropriation from various contingencies for purposes as stated in the Agenda. Administration recommends approval of the budget actions as recommended. Consent Agenda approval - Calloway/Congleton - 8 ayes. See Ordinance 272 TF 14.

BID REQUEST 83-48 - PAVEMENT MARKING POWDER - BID AWARDED TO CATAPHOTE DIVISION/FERRO CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on January 30, 1984, for 10,000 pounds of pavement marking powder with results as follows: Cataphote Division/Ferro Corporation - $12,030; 3M Company - $12,900. Administration recommends the low bid of Cataphote Division/Ferro Corporation be awarded. Consent Agenda approval - Calloway/Congleton - 8 ayes.

BID REQUEST 83-50 - FIFTY-TON TRUCK SCALES - BID AWARDED TO W. B. PORTER AND COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 30, 1984, for a 50-ton truck scales with results as follows: W. B. Porter and Company - $22,205; T. A. King and Company, Inc. - $31, 999. Administration recommends the low bid by W. B. Porter and Company. Consent Agenda approval - Calloway/Congleton - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to loading zones on East Street, establishment of No Parking and Loading Zones on portions of South Dixie Trail, Parking Meter Zones on portions of Edenton Street, and Stop Sign installation at the corner of Comstock Road at Waterbury Road. Administration recommends approval. Consent Agenda approval - Calloway/ Congleton - 8 ayes.

ORDINANCE NO. (1984) 273

AN ORDINANCE TO AMEND TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 2 entitled "STOP INTERSECTIONS" be amended by adding the following:

Comstock Road at Waterbury Road.

Section 2. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Dixie Trail, east side, from Hillsborough Street, southward 75 feet.

Section 3. That Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Dixie Trail, east side, beginning at a point 75 feet south of Hillsborough Street, southward 70 feet.

East Street, east side, beginning at a point 126 feet north of Martin Street, northward 40 feet.

Section 4. That Schedule No. 20-B entitled "30 MINUTE PARKING METER ZONES" be amended by deleting the following:

Edenton Street, west, 28, two spaces.

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective February 14, 1984.

Adopted: 2/7/84

Effective: 2/14/84

END OF CONSENT AGENDA

PRIVILEGE LICENSE - ACC TAVERN - REFERRED TO THE CITY ATTORNEY FOR INTERPRETATION - TO BE ON 2/21/84 AGENDA

This is a privilege license application for "ACC Tavern," located at 2502½ Hillsborough Street. The owner, John Wilson Hopkins, is the individual making application. City Code Sections 2-2032 (2), (3), (5), and 12-2118 (2) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class one entertainment center.

Inspections and Police reports indicate approval.

Recommendation: Approval of this privilege license is requested.

Mrs. Block indicated she had requested that this be removed from the Consent Agenda pointing out she would like to refer it to the City Attorney for interpretation. She indicated Council Members received a memo from the Sessions Reporter outlining the Board of Adjustment's action on this case and the interpretation that this should be considered as a change of use. She pointed out another administrator in the City indicates this is not a change of use. She indicated she feels the Board of Adjustment's first decision to say that this particular establishment did not need parking was a mistake and with this change of use, she feels that should be corrected. Without objection, the item was referred to the City Attorney for an interpretation and report back at the February 21, 1984, Council Meeting.

TRANSFER - PUBLIC WORKS DEPARTMENT - APPROVED - ORDINANCE ADOPTED

This was a recommended transfer in the amount of $4,426.80 to supplement funds budgeted to provide City Council chairs of vinyl and fabric to replace worn and worn-out chairs with appropriate color. City Manager Benton indicated he had requested that this be withdrawn from the Consent Agenda pointing out the Transferred To number is incorrect and the last four digits should be 0701. He indicated, in addition, he would recommend that the $3,000 that is already set up to purchase Council chairs be transferred to this same account which is 01-2-5050-0701. Mr. Walters moved the transfer, as outlined by the Manager, be upheld which would be a total of $7,426.80. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

BIDS - MT. HOPE CEMETERY IMPROVEMENTS - ALL BIDS REJECTED - PROJECT TO REBID

The following bids were received for the Mt. Hope Cemetery Improvements project:

J. C. Edwards Contracting	$144,574.00
Gaither Contractors	$173,767.00

It should be noted that the Parks and Recreation Department revised the specifications for this project and negotiated a new bid with the low bidder, J. C. Edwards Contracting in the amount of $75,669.24.

Recommendation: It is recommended that the Council award the contract to J. C. Edwards Contracting in the amount of $75,669.24.

Mr. Upchurch indicated he had requested that this be withdrawn from the Consent Agenda pointing out the low bid of $144,574 had been negotiated on revised standards to $75,669.24. He stated this is a big difference from the original bid. City Manager Benton indicated he feels that this can be explained but at this point he would recommend that all bids be rejected and the project be rebid because of the wide fluctuation in the original bid and the negotiated bid and the revised standards. Ms. Babb moved that all bids for the Mt. Hope Cemetery improvements be rejected and the project rebid. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

THE REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planing Commission's Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mrs. Block requested that CR-4030 (S-174-83), CR-4037 (Z-2-84); CR-4040 (Z-10-84); and CR-4052 (Z-24-84) be withdrawn. Mrs. Cates requested that CR-4057 (TC-256) be withdrawn. Without objection, the items were withdrawn as requested. Mr. Congleton moved that the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

SUBDIVISION S-158-83 - J. L. NELMS PROPERTY - APPROVED

This was a request for approval to subdivide a 6.5 acre parcel into three (3) lots, one (1) 5.5 acres and two (2) .43 acre parcels, zoned Residential-4. The site is currently developed with one (1) single-family unit.

The property is located at the northeast corner of Leesville Road and Ponderosa Road, outside the City Limits.

CR-4014 from the Planning Commission recommended that this request be denied according to a map entitled, "J. L. Nelms Property," the property of J. L. Nelms, drawn by Wilton C. Grimes, dated October 5, 1983. Consent Agenda approval - Congleton/Babb - 8 ayes.

SUBDIVISION S-1-84 - WAYNERIDGE TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to add one (1) unit to the previously approved Wayneridge Townhomes.

The property is located east of Jones Franklin Road, between I-40 and Wayne Street, outside the City Limits.

CR-4031 from the Planning Commission recommended that this request be approved according to a map entitled, "Wayneridge Townhomes," the property of Martin-McInnis, Incorporated, drawn by Jerry Turner and Associates, dated August 1, 1983, revised December 15, 1983 and January 16, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval - Congleton/Babb- 8 ayes.

SUBDIVISION S-3-84 - THE LANDINGS AT NORTH RIDGE, PHASE 2 - APPROVED WITH CONDITION

This was a request for approval to construct 22 townhouse units on 4.86 acres which are currently undeveloped and zoned Residential-6 (2.39 acres) and Conservation/ Buffer (2.63 acres). The developer is transferring 7.89 units from the Conservation/Buffer district to the developable Residential-6 land.

The property is located on the north side of Weybridge Drive, adjacent to North Ridge Estate Subdivision, outside the City Limits.

CR-4032 from the Planning Commission recommended that the request to construct the units and transfer the density (7.89 units) from the Conservation/Buffer district be approved according to a map entitled, "The Landings at North Ridge, Phase 2," the property of Hunters Point Associates, drawn by Jerry Turner and Associates, dated

January 3, 1984, revised, January 16, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Babb - 8 ayes.

SUBDIVISION S-4-84 - HOLLAND PARK, PHASE 2 - APPROVED

This was a request for approval to subdivide a vacant 1.3 acre parcel into five (5) lots, zoned Residential-4.

The property is located on the southwest and southeast corners of Pleasant Grove Church Road and Woodenshoe Lane, outside the City Limits.

CR-4033 from the Planning Commission recommended that this request be approved according to a map entitled, "Holland Park, Phase 2," the property of Holland Park Associates, Incorporated, drawn by Al Prince and Associates, dated November 30, 1983. Consent Agenda approval - Congleton/Babb - 8 ayes.

SUBDIVISION S-5-84 - NEWTON PARISH, SECTION 4 - APPROVED WITH CONDITIONS

This was a request for approval of a revised site plan for 68 townhouse units on approximately 30 acres, zoned Residential-6. The units have been substantially rearranged and required redesign of drives and parking lot layouts.

The property is located on the northern end of Newton Way, just north of Newton Road, inside the City Limits.

CR-4034 from the Planning Commission recommended that this request be approved according to a map entitled, "Newton Parish, Section 4," the property of Fortis Corporation, drawn by John A. Edwards and Company, dated November 30, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Congleton/Babb - 8 ayes.

SUBDIVISION S-10-84 - MONCLAIR CONDOMINIUMS - APPROVED

This was a request for approval to construct 188 units of residential condominiums on 19.9 acres which are currently undeveloped and zoned Residential-10.

The property is located at the southeast corner of NC 50 and Morgan's Way, outside the City Limits.

CR-4035 from the Planning Commission recommended that this request be approved according to a map entitled, "Monclair Condominiums," the property of The Broadmoor Group, drawn by LaMarr Bunn and Associates, dated December 30, 1983. Consent Agenda approval - Congleton/Babb - 8 ayes.

SC-223 - HARDEE'S AT CREEDMOOR CROSSINGS SIGN - APPROVED

This was a request for approval to construct a 66 square foot, freestanding sign on a .7 acre parcel, zoned Shopping Center. The site will be a future fast food store.

The property is located at the northwest corner of NC 50 and Crossings Way, outside the City Limits.

CR-4036 from the Planning Commission recommended that this request be approved according to a map entitled, "Hardee's at Creedmoor Crossings Sign," the property of Hardee's Food Systems, Incorporated, drawn by Hardee's Food Systems, Incorporated, dated December 1, 1983. Consent Agenda approval - Congleton/Babb - 8 ayes.

REZONING Z-5-84 - LEESVILLE ROAD - DENIED

This was a request for approval to rezone approximately 15.53 acres from Residential-4 to Residential-10.

CR-4038 from the Planning Commission recommended that Z-5-84 be denied. Consent Agenda approval - Congleton/Babb - 8 ayes.

REZONING Z-11-84 - WEYBRIDGE DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.28 acres from Residential-6 to Conservation/Buffer (.38 acre) and from Conservation/Buffer to Residential-6 (.90 acre).

CR-4041 from the Planning Commission recommended that Z-11-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-14-84 - MILLBROOK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.5 acres from Office and Institution-I to Industrial-I.

CR-4044 from the Planning Commission recommended that Z-14-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-15-84 - CALVARY DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 8.46 acres from Residential-10 to Office and Institution-I.

CR-4045 from the Planning Commission recommended that Z-15-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-16-84 - U. S. 1 NORTH - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 65 acres from Residential-4 to Residential-6.

CR-4046 from the Planning Commission recommended that Z-16-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

ETJ-12 - AMENDMENT APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend the official map, dated March 12, 1981, entitled, "Extraterritorial Jurisdiction, City of Raleigh," by creating a new mutually agreed upon line between the County of Wake and the City of Raleigh. This new line would then include a 275-acre tract bounded on the south by the northern property line of the Capital Area Soccer League, Inc., property; on the west by Perry Creek Road (SC-2006), US 1 and several properties fronting on US 1; on the north by SC-2043; and on the east by specified line approximately 2,000 feet east of the western boundary.

CR-4047 from the Planning Commission recommended that ETJ-12 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 276

AN ORDINANCE TO AMEND THE OFFICIAL EXTRATERRITORIAL JURISDICTION MAP OF THE CITY OF RALEIGH

WHEREAS, G. S. 160A-360 authorizes the City of Raleigh to extend its extraterritorial jurisdiction with the agreement of Wake County; and

WHEREAS, the City of Raleigh, through Resolution (1983) 234 and the County of Wake, through Resolution R-83-119, have agreed to extend the extraterritorial jurisdiction of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. That the Extraterritorial Jurisdiction Map, City of Raleigh, dated March 12, 1981, as amended is hereby further amended by adding to the City jurisdiction approximately 275 acres. The additional area is described as follows:

> Beginning at a point in the center line of Perry Creek Road, said point also being in the existing ETJ boundary, runs thence along the northern boundary of the Capital Area Soccer League, Inc. property in an easterly direction for 2,400 feet to a point; thence North 17 degrees West 4,140 feet plus or minus to a point in the center line of SR 2043; thence westerly with the center line of SR 2043, 2,180 feet to a point on the western property line of the A. J. Honeycutt, Sr., heirs; thence along the western boundary of the property of the heirs of A. J. Honeycutt, Sr., in a southerly direction until reaching a point in the center line of Perry Creek Road at the eastern edge of the right-of-way on Highway US 1 North, said point also being in the existing ETJ.

Section 2. That the official extraterritorial jurisdiction map of the City of Raleigh on file in the Office of the City Clerk which is also recorded in the Office of the Register of Deeds of Wake County as required by law be amended to conform to Section 1 hereof.

Section 3. That this ordinance shall become effective upon its date of adoption, February 7, 1984.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. That this ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and City Planning Commission following a recommendation thereon of the Planning Commission.

Section 6. If any phrase, clause, sentence, paragraph, or section of this ordinance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect, and to this end, the

phrases, clauses, sentences, and sections of this ordinance are declared to be severable.

Adopted: February 7, 1984.

Effective: February 7, 1984.

REZONING Z-17-84 - U. S. 1 NORTH/PERRY CREEK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to add approximately 275 acres to the City of Raleigh's Extraterritorial Zoning Jurisdiction and rezone the land from Wake County's Highway District (2.69 acres) and General Business (2.69 acres) to City Thoroughfare District and from Wake County Residential-30 to Residential-4 (269 acres).

CR-4048 from the Planning Commission recommended that Z-17-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

ETJ - 13A AND B - APPROVED - EXTENSIONS APPROVED - ORDINANCES ADOPTED

This was a request for approval of ordinances which would amend the official map, dated March 12, 1981, entitled, "Extraterritorial Jurisdiction, City of Raleigh," by creating a new mutually agreed upon line between the Town of Garner and the City of Raleigh which would add a 725-acre tract (ETJ-13A) west of US 401 South, now in Raleigh's jurisdiction to Garner's jurisdiction and realign Raleigh's common jurisdiction with Garner in the Jones Sausage Road area (ETJ-13B) along 10,000 feet of the right-of-way of the proposed I-40 extension which would place 330 acres east of I-40 into Raleigh's jurisdiction and 375 acres west of I-40 in Garner's jurisdiction.

CR-4049 from the Planning Commission recommended that ETJ-13A and B be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 274

AN ORDINANCE TO AMEND THE OFFICIAL EXTRATERRITORIAL JURISDICTION MAP OF THE CITY OF RALEIGH

WHEREAS, G. S. 160A-360(g) provides that extraterritorial jurisdiction agreements between municipalities may be modified from time to time by mutual consent of the legislative bodies concerned; and

WHEREAS, the City of Raleigh, through Resolution (1983) 358, and the Town of Garner, through Resolution (1983) 858, have agreed to extend the extraterritorial jurisdiction of Raleigh;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That the Extraterritorial Jurisdiction Map, City of Raleigh, dated March 12, 1981, be modified to add a 725-acre tract west of US 401 South now in Raleigh's jurisdiction to Garner's jurisdiction and realign Raleigh's common jurisdiction with Garner in the Jones Sausage Road area along 10,000 feet of the right-of-way of the proposed Interstate 40 extension, which places 375 acres west of Interstate 40 into Garner's jurisdiction and 330 acres east of Interstate 40 into Raleigh's jurisdiction as shown on the attached map which is hereby incorporated into this ordinance and metes and bounds for each of the two areas as follows:

DELETION FROM RALEIGH'S JURISDICTION (AREA #1 ON ATTACHED MAP)

U.S. 401 South Area (13A)

BEGINNING at a point in the existing (9/1/83) City of Raleigh Extraterritorial Jurisdiction Line, said point also being at the intersection of the center line of Steep Hill Creek and center line of Lake Wheeler Road (S.R. 1371); thence northerly with the center line of Lake Wheeler Road 4,670 feet ± to its intersection with the center line of Inwood Baptist Church Road (S.R. 1373); thence easterly and southerly with Inwood Baptist Church Road 4,080 feet ± to its intersection with the southern property line extended of Lot 5, Wake County Tax Map 655; thence easterly with the southern property line extended of said Lot 5, 1,862.12 feet ± to the southeastern corner of said Lot 5, said point also being in the western property line of Lot 8, Wake County Tax Map 655; thence southerly with the western property line of said Lot 3, 380 feet ± to the southwestern corner of said Lot 8; thence easterly with the southern property line of said Lot 8 and the southern property line extended of Lot 27, Wake County Tax Map 655, a distance of 1,350 feet ± to its intersection with the center line of the Norfolk and Southern Railroad right-of-way; thence northerly with the center line of the Norfolk and Southern Railroad right-of-way 1140 feet ± to its intersection with the southern property line extended of Lot 2, Wake County Tax Map 655; thence easterly with the southern property line extended of said Lot 2, 3,880 feet ± to its point of intersection with the center line of U. S. Highway 401 south, said point also being in said existing City of Raleigh Extraterritorial Jurisdiction Line.

DELETION FROM RALEIGH'S JURISDICTION WEST OF I-40 (AREA #2 ON ATTACHED MAP)
ADDITION TO RALEIGH'S JURISDICTION EAST OF I-40 (AREA #3 ON ATTACHED MAP)

Jones Sausage Road Area (13B)

Beginning at a point in the existing (September 1, 1983) City of Raleigh Extraterritorial Jurisdiction Line, said point also being in the center line of Creech Road (S. R. 2564) and the southeastern property line extended of Parcel 62, Wake County Tax Map 633; thence northeasterly along the southeastern property line extended of Parcels 62, 63, 64 and 18 on Wake County Tax Map 633, 4,400 feet ± to a point on the western right-of-way of the proposed I-40 extension south of the Raleigh Beltline as shown on the North Carolina Department of Transportation Plan and Profile of State Highways, Wake County, "I-40 from Raleigh Beltline and Rock Quarry Road to approximately 1.3 miles southeast of U. S. 70," State Project No. 8.1475602; thence southeasterly with the controlled access right-of-way of said I-40 extension as shown on said right-of-way plans for a distance of 10,000 feet ± to a point of intersection with the northern property line extended of Parcel 16, Wake County Tax Map 659; thence easterly with the northern property line of said Lot 16, 6,200 feet ± to its point of intersection with the center line of Big Branch, a tributary of Walnut Creek, thence northwesterly with the center line of Big Branch 3,300 feet ± to its point of intersection with the southern property line of Parcel 102, Wake County Tax Map 660; thence westerly with the southern property line of said Parcel 102, 150 feet ± to the southwest corner of said Parcel 102; thence northerly with the western property line of said Parcel 102, 180 feet ± to its point of intersection with the southern property line of Parcel 9, Wake County Tax Map 634; thence southwesterly with the southern property line of said Parcel 9, 1,160 feet ± to a corner of said Parcel 9; thence northerly with the southern property line of said Parcel 9, 180 feet ± to its point of intersection with the center line of Popular Branch; thence southwesterly with the center line of Popular Branch 550 feet ± to its point of intersection with the center line of Auburn Church Road (S.R. 2548); thence northwesterly with the center line of Auburn Church Road 2,380 feet ± to its point of intersection with the center line of Jones Sausage Road (S.R. 2547), said point also being in said existing Raleigh Extraterritorial Jurisdiction.

Section 2. That the official extraterritorial jurisdiction map of the City of Raleigh on file in the Office of the City Clerk which is also recorded in the Office of the Register of Deeds of Wake County as required by law be amended to conform to Section 1 hereof.

Section 3. That this ordinance shall become effective upon its date of adoption, February 7, 1984.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. That this ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and City Planning Commission following a recommendation thereon of the Planning Commission.

Section 6. If any phrase, clause, sentence, paragraph, or section of this ordinance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect, and to this end, the phrases, clauses, sentences, and sections of this ordinance are declared to be severable.

Adopted: February 7, 1984

Effective: February 7, 1984

REZONING Z-20-84 - JONES SAUSAGE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to add approximately 330 acres to the City of Raleigh's Extraterritorial Zoning Jurisdiction and to rezone the land from Garner Residential-40 to Raleigh Residential-4.

CR-4050 from the Planning Commission recommended that Z-20-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-22-84 - PEACH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .496 acre from Residential-10 to Residential-20.

CR-4051 from the Planning Commission recommended that Z-22-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-25-84 - HAILEY DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .78 acre from Residential-4 to Residential-6.

CR-4053 from the Planning Commission recommended that Z-25-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-27-84 - NORTH PERSON STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half (½) acre from Neighborhood Business to Office and Institution-II.

CR-4054 from the Planning Commission recommended that Z-27-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-28-84 - NEW BERN AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half (½) acre from Neighborhood Business to Business.

CR-4055 from the Planning Commission recommended that Z-28-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

REZONING Z-29-84 - NORTH PERSON STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to add approximately one-half (½) acre to the Capital Area Historic District (Overlay Zone).

CR-4056 from the Planning Commission recommended that Z-29-84 be approved as requested. Consent Agenda approval - Congleton/Babb - 8 ayes. See Ordinance 275 ZC 133.

TEXT CHANGE 258 - NEW ZONING MAPS - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-2111 of the City Code to allow maps to be added to the existing set of official zoning maps to accommodate jurisdiction extensions.

CR-4058 from the Planning Commission recommended that TC-258 be approved as requested according to the ordinance attached to CR-4058. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) - 277 TC 207

AN ORDINANCE TO SET PROCEDURES FOR AMENDING THE OFFICIAL ZONING MAP TO ADD NEW EXTRATERRITORIAL JURISDICTIONAL AREAS

WHEREAS, Raleigh City Code Section 10-2111 is silent about how to add new extraterritorial jurisdictional areas to the official zoning map.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. The second sentence of Section 10-2111 of the Raleigh City Code is hereby amended to add immediately after the word "thereof" appearing at the end of said sentence the following language: "or if no original tracings exist, as when the City's extraterritorial jurisdiction is expanded, changes in the official zoning map shall be identified by adding additional original tracings with the date thereof."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective immediately following its adoption.

Adopted: 2/7/84

Effective: 2/7/84

TEXT CHANGE 259 - INSPECTIONS PROCEDURES - APPROVED - ORDINANCE ADOPTED

This was a request for approval to delete the first three sentences of Section 7-4024(b)(2) of the City Code which provides that individuals needing "building" inspections can call the Inspections Office during the first 30 minutes of each day for same day inspections.

CR-4059 from the Planning Commission recommended that TC-259 be approved as requested according to the ordinance attached to CR-4059. Consent Agenda approval - Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) - 278 TC 208

AN ORDINANCE TO FACILITATE THE ADMINISTRATION OF CALLS TO THE DEPARTMENT OF INSPECTIONS

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. The first three sentences of Raleigh City Code Section 10-6024(b)(2) as established by Ordinance No. (1983) 245 TC 205, and formerly being Section 7-4024(b)(2) are hereby repealed in their entirety.

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective five days following its adoption.

Adopted: 2/7/84

Effective: 2/12/84

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-174-83 - LAKE BOONE PLACE - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a vacant 9.4 acre parcel into 20 single-family lots, zoned Residential-4.

The property is located at the southwest corner of Lake Boone Trail and Cambridge Road, inside the City Limits.

CR-4030 from the Planning Commission recommended that this request be approved according to a map entitled, "Lake Boone Place," the property of Lake Boone, Incorporated, drawn by Armstrong and Associates, Incorporated, dated November 23, 1983, with the condition that, if legal documents are needed to cover the maintenance of the pump station, the City Attorney's Office must approve the documents prior to recording the final plats.

Mrs. Block indicated she pulled this from the Consent Agenda indicating she had a question about the pump station, its maintenance, and whether it would eventually belong to the City. Planning Director Chapman indicated at this time the recommendation is for approval of this subdivision contingent upon proper documentation relating to maintenance, etc., if it is determined a pump station is needed. Mrs. Block questioned if this is going to be a collective pump station and will it necessarily become a part of the City. She stated she believes she needed a fuller explanation of this subdivision and the pump station item, therefore, she would request that it be referred to Public Works Committee. Without objection, the item was referred.

REZONING Z-2-84 - WADE AVENUE - DENIED

This was a request for approval to rezone approximately 1.52 acres from Residential-4 to Residential-6.

CR-4037 from the Planning Commission recommended that Z-2-84 be approved as amended; that is, that the property contained in Z-2-84 be rezoned to Residential-6, as requested, with five-foot (5') Conservation/Buffers on the north (along Wade Avenue) and west sides and a 15-foot Conservation/Buffer along the south side.

Planning Director Chapman explained the rezoning request and the recommendation of the Planning Commission. Mrs. Block indicated this case has erupted the neighborhood into a series of complaints and problems, therefore, she would move that rezoning application Z-2-84 be denied. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-10-84 - LITCHFORD ROAD- DENIED

This was a request for approval to rezone approximately 13.5 acres from Residential-4 to Residential-10.

CR-4040 from the Planning Commission recommended that Z-10-84 be approved as amended; that is, that the property contained in Z-10-84 be rezoned to Residential-6 with a 25-foot Conservation/ Buffer along the west and northwest sides.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Mrs. Block indicated this case has interrupted the neighborhood and there has been many phone calls and problems, therefore, she would recommend that this case be denied. Her motion was seconded by Mr. Congleton.

Mr. Congleton indicated this case did give him concern as far as our work with Atlantic Avenue and the impact of Atlantic Avenue when it is put in place. He indicated that may have caused him to have a different opinion but pointed out this area has been developed at single-family and he just does not feel it is time to go to Residential-6. He stated as we move along with the Atlantic Avenue improvements, it may be necessary to rezone this property but at this point he feels it may be premature. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-24-84 - KENT ROAD - DENIED

This was a request for approval to rezone approximately 1/6 acre from Residential-10 to Neighborhood Business. CR-4052 from the Planning Commission recommended that the application be approved as requested. Planning Director Chapman explained the request. Mrs. Block indicated she had requested that this be withdrawn from the Consent Agenda pointing out when this area was originally zoned Neighborhood Business, it was zoned that way by drawing a line 200 feet back from Western Boulevard. She stated this was a straight line and she felt then and now that it should have gone with the property lines. She pointed out there is a residential house on this property and one to the north of the property and she feels the extension or the change should be to the property line. She stated she feels that this rezoning would be a further extension into this residential neighborhood and she felt that the request for rezoning as outlined in Z-24-84 be denied. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TEXT CHANGE - 256 - PRIVATE DRIVE STANDARDS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to amend Sections 10-3071(b) and 10-3074(a)(2) to require that streets and drives in all cluster developments comply with the Group Housing Standards requirement for private streets and drives and to require that all streets and drives contain identification required in Section 10-2065.2(1) of the Code.

CR-4057 from the Planning Commission recommended that TC-256 be approved as requested according to the ordinance attached to CR-4057.

Planning Director Chapman explained the proposed text change. Mrs. Cates indicated she has some questions relative to private streets versus public streets and some questions and need for clarification about the definition. Therefore, she would request that TC-256 be referred to Public Works Committee. Without objection, the item was so referred.

REZONING Z-8-84 - LYNN ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 11 acres from Residential-4 to Residential-10.

CR-4039 from the Planning Commission recommended that Z-8-84 be approved as amended; that is, that the property contained in Z-8-84 be rezoned to Residential-10, as requested, with a 50-foot Conservation/Buffer along the full frontage of this property from the center line of Lynn Road.

Planning Director Chapman explained the rezoning request and the Planning Commission's recommendation. Planning Commission Chairman Woodlief indicated that the Planning Commission made this recommendation as they felt it would be in keeping in what has been done in this area in the past. Mr. Congleton indicated he had a couple of questions relating to why the previous City Council had put the Conservation/ Buffer along the frontage of the property and what effect this had on the development. Planning Director Chapman indicated the 50-foot Conservation/Buffer is basically to give the Planning Commission and the City Council plan approval of the driveways, etc., along the roadway. Mr. Congleton indicated this had not been done on the other side of the road and there is as much potential of curb cuts, etc., there. He questioned if this could not be handled in site plan approval of the project with it being pointed out the only assurance of site plan approval in Residential-10 is through a group housing or cluster development, however, the property could be developed under the R-10 zoning without site plan approval with Mr. Congleton pointing out that the Council needs to watch our major corridors in terms of what is taking place, traffic flow, etc. He indicated we have got a situation where we do not have a design for the road and the request for rezoning has come about. He stated we have not talked about the road right-of-way and the possibilities of

improving the particularly bad curve in this area. He questioned if we have any plans or know when plans for how the road will be improved at this point. He stated he feels we should move post haste in developing plans or looking at what will become a major corridor pointing out traffic in that area has already become congested. He stated he was not particularly against this rezoning as the tone has already been set but he is concerned and feels we do need to move to set the tone for future road development in this area. Ms. Babb indicated she agreed with the concern pointing out we have got to manage Lynn Road very carefully. She pointed out, however, this particular tract is surrounded by Residential-10 and with the Conservation/Buffer we can control access. She pointed out when the plan for development is submitted, at that point the Council can look at what adjustments are needed to the roadway to improve the situation, therefore, she would move approval of the Planning Commission's recommendation. Her motion was seconded by Mr. Congleton.

Mrs. Block indicated the people who spoke at the public hearing seemed convinced that there would be no widening or improvement before 1988 and she believes that is a conservative estimate. She spoke to the number of apartments that would be allowed and how many auto trips, etc., this would be if developed as compared to the present zoning. She stated the people are very concerned about the extra traffic and she feels that maybe this request for rezoning may be premature. Mr. Keller indicated he would urge Administration to move quickly to look at the relocation or redesign of the road in this area pointing out it is needed whether it is developed R-4 or R-10. Mr. Congleton again indicated he was not opposed to this rezoning because the Council is caught in a situation where past City Councils have made decisions on all of the surrounding property and across the road. He pointed out this is an eleven-acre parcel and he feels the impact that this eleven acres will have on Lynn Road versus the impact of what has already been approved for development would be negligible as it relates to the surrounding development. The amount of roadway or right-of-way the City has in this area, options that would be available to the Council through site plan approval, the importance of Lynn Road as an east-west corridor, the fact that we do not have a functional design in this particular location and the need for a functional design before the amount of right-away can be determined, and the fact that in this area it is felt that we are talking about fine tuning or realignment and no major relocation was discussed. Mr. Upchurch indicated there is a motion on the floor to approve the Planning Commission recommendation, however, maybe this item should be studied in the Committee to see if there is something that can be done about the road question, how the property can be developed and the likelihood of site plan approval was discussed after which Mr. Walters made a substitute motion that rezoning Z-8-84 be referred to Law and Finance Committee. His substitute motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-12-84 - FALLS OF NEUSE ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately one-half acre from Residential-4 to Office & Institution-III. CR-4042 from the Planning Commission recommends that the application be approved as requested. Planning Director Chapman explained the application. Planning Commission Chairman Woodlief indicated this is a very small piece of property and it joins O&I-III zoned property. Mr. Congleton indicated this particular case bothers him and pointed out he first thought he agreed with the only Planning Commission member who voted against this. He indicated it is a small tract of property, however, it contains a single-family residence that would be taken out of the housing stock. He indicated the domino affect of rezoning residential to nonresidential property bothered him. He indicated the petitioner had asked if this could be placed in a committee so that it could be discussed further. He stated, at the petitioner's request, he would ask that the matter be referred to the Law and Finance Committee. Mayor Upchurch indicated, without objection, the item would be referred to the Law and Finance Committee. Mr. Walters indicated he would have to object as he did not see what purpose it would serve to delay action on this request. Mr. Congleton pointed out that we have seen the domino affect of rezoning from residential to nonresidential occur in the Bland Road, Six Forks Road, and other major thoroughfares in the City. He indicated any time you have a single-family house fronting on a major thoroughfare, there seems to be a request for rezoning to nonresidential and if approved, the domino affect comes into play. Mr. Walters indicated he would object to the matter being referred without discussion, therefore, he would make a motion that rezoning Z-12-84 be referred to the Law and Finance Committee so that the matter could be discussed. His motion was seconded by Mr. Congleton. Mr. Walters indicated, in his opinion, this request is justified and he feels the Planning Commission did a good job in making their recommendation by requiring buffers, etc. He indicated the neighborhood is in favor of the rezoning and he feels the Council is remiss by saying that it was a mistake to rezone the first parcel to nonresidential. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-13-84 - NEW HOPE CHURCH ROAD - TO BE PLACED ON FEBRUARY 21, 1984, AGENDA

This was a request for approval to rezone approximately 1.13 acres from Residential-6 to Neighborhood Business (.92 acre) and Conservation/Buffer (.21 acre), which lies along the rear (north) side of the two lots for a width of 50 feet.

CR-4043 of the Planning Commission recommended that Z-13-84 be denied.

Planning Director Chapman explained the rezoning request and the Planning Commission's recommendation. Mrs. Block moved the Planning Commission's recommendation to deny this request for rezoning be upheld. Her motion was seconded by Mr. Walters.

Ms. Babb indicated this is a small piece of property and she would like to put this in committee as the petitioner could not be at the meeting today and he wanted an opportunity to talk with City Council Members individually and in a committee situation about this request. Therefore, she would make a substitute motion that rezoning Z-13-84 be referred to Law and Finance Committee so that it could be looked at very carefully and further discussion held. Her substitute motion was seconded by Mrs. Cates. Mrs. Block indicated in this particular case we had a valid protest petition and there have been many calls about this case from the neighborhood. She indicated a public hearing was held and everyone had an opportunity to speak and she feels the case should be acted on today. The substitute motion to refer the item to committee was put to a vote with results as follows: ayes - Babb, Calloway, Cates, Congleton; noes - Block, Keller, Walters, Upchurch. The Mayor ruled the substitute motion defeated as it received only four votes.

Discussion then took place on the original motion which was to uphold the Planning Commission's recommendation of denial. Mr. Walters pointed out this property goes, in fact, into a strictly residential area and he thinks everyone is afraid of the domino affect if this property is rezoned. Mr. Congleton indicated he has problems with neighborhood business in this particular area but pointed out he feels there is a case here in that the area is in transition. He stated he feels we have to be very cautious and he would have to vote No on the Neighborhood Business request but he feels that he does see a need and responsibility of the Council to look at the appropriate use for the property. He indicated he did not feel the neighborhood would be hurt by the delay and it would give the petitioner an opportunity to speak further as to why this rezoning case should be approved or suggest a better zoning. Mrs. Cates pointed out the CAC did oppose this rezoning but she had learned there were only three people present at the CAC meeting and the petitioner was not invited. Mrs. Babb indicated the Council has to be fair and temperate pointing out she hardly sees what would be lost by a delay that would allow a closer look and study as to what would be the appropriate zone on this property. She stated by referring this item to committee, it would allow the Council an opportunity to examine and further study it and she really thought that the Council operated on the principle that if someone wanted something to go to a committee, it would be honored by the other Council Members. Mrs. Block indicated the sentiment she hears around the table is that this is not the appropriate zone so the request should be denied. She indicated any other appropriate uses could be discussed and an application could be submitted. Lengthy discussion followed with various Council Members voicing their opinion as to whether the matter should be sent to a committee and why, the time that has been spent on the petition thus far, and the time the citizens in the neighborhood have spent and have been disrupted after which the original motion to uphold the Planning Commission's recommendation to deny was put to a vote with results as follows: ayes - Block, Keller, Walters, Upchurch; noes - Babb, Calloway, Cates, Congleton. The Mayor ruled the motion defeated.

Discussion took place as to what action would taken at this point with Mrs. Block questioning the valid protest petition and the number of votes needed to kill the request. Mrs. Block moved approval of rezoning Application Z-13-84. Her motion was seconded by Mr. Keller and put to a vote with results as follows: ayes - Calloway; noes - Walters, Block, Cates, Upchurch, Keller. Mr. Congleton indicated he did not vote as he would like permission to abstain from voting on this case. Mayor Upchurch ruled that Mr. Congleton could not abstain from voting and since Mr. Congleton did not vote, Charter provisions indicate that silence means the vote is in affirmative, then Mr. Congleton's vote would be shown as an affirmative vote. Ms. Babb indicated this is a matter of principle and she feels the maneuvering that is occurring for whatever reason is very inappropriate, therefore, for that reason she would like for her vote to be recorded in the affirmative. Mayor Upchurch ruled the vote on the motion as three ayes, and five noes. Therefore, the motion to approve the rezoning petition failed.

Brief discussion took place with Mr. Walters indicating he just did not like the political maneuverings that were going on and he would move that the City Council reconsider the previous action of denying this rezoning petition. His motion was seconded by Ms. Babb. Discussion took place with Mrs. Cates indicating she thought that the Council would allow something to go to a committee if there was a question or a request by any Council Member and she just did not understand what was going on. The motion to reconsider the previous action was put to a vote with results as follows: ayes - Walters, Babb, Calloway, Cates, Congleton; noes - Block, Keller, Upchurch. The Mayor ruled the motion to reconsider the previous action approved. Mr. Walters moved that Rezoning Application Z-13-84 be placed on the February 21, 1984, Council Agenda as a Special Item. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - APPOINTMENTS MADE

The City Clerk reported three vacancies on this Committee pointing out nominations include Dr. Anne McGee, Mabel Dorsey, Rev. Rethea Whitley, Mrs. Willie High, and Dennis Gabriel. Nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations to the HRHRAC be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

A ballot vote resulted as follows: McGee - 5 (Walters, Babb, Keller, Congleton, Cates); Dorsey - 5 (Block, Walters, Babb, Upchurch, Cates); Whitley - 1 (Calloway); High - 7 (Calloway, Block, Walters, Keller, Congleton, Upchurch, Cates); Gabriel - 6

(Calloway, Block, Babb, Keller, Congleton, Upchurch). The City Clerk announced the appointment of Mrs. Willie High and Dennis Gabriel to the HRHRAC. She pointed out that normally five votes would appoint a person to a committee, however, there are only three vacancies and Mrs. High and Mr. Gabriel were appointed with seven and six votes, therefore, the Council would need to vote again between Dr. McGee and Mrs. Dorsey. A ballot vote resulted as follows: McGee - 3 (Keller, Babb, Congleton); Dorsey - 5 (Cates, Calloway, Block, Walters, Upchurch). The Clerk announced the appointment of Mabel Dorsey to a two-year term on HRHRAC.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Mary Cates. No nominations have been made. Mrs. Block nominated Charles Meeker. Mr. Congleton questioned if a person has to live in the City Limits or can live in the ETJ with it being pointed out on the Greenway Commission, City residency is not a requirement. Mr. Congleton nominated Kyle Highsmith. No further action was taken.

APPEARANCE COMMISSION - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of Catherine Rieger. No nominations have been made. Mr. Calloway nominated Melvin Whitley. Mr. Congleton nominated Carolyn Andrews. No further action was taken.

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The City Clerk reported the term of William C. Knight expires April 1, 1984. He is eligible for reappointment and his attendance record is good. Mr. Walters nominated Mr. Knight for reappointment. No further action was taken.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - NOMINATIONS MADE

The Clerk indicated for the Council's information Robert S. McLain was a member of the Mayor's Committee for the Services of the Handicapped. Mr. McLain passed away recently. She indicated this leaves nineteen members on the Committee and since there is no set number for this Committee, the Clerk suggested that the Council not take specific action to replace Mr. McClain pointing out, however, it has been agreed that members can be added to this Committee at the recommendation of the Council Members. Mayor Upchurch nominated Melvin Whitley. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

MEDIATION SERVICES OF WAKE COUNTY - SEED MONEY IN THE AMOUNT OF $5,000 - APPROVED

Chairman Keller reported the Law and Finance Committee recommends an appropriation of $5,000 on a one-time basis to be utilized as seed money for this organization to get started with the understanding the funds would come from Code Account 34-2-3410-0100, Equipment Service Depot Renovations - Revenue Sharing Funds. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Mrs. Block indicated she is concerned with the way the City is making these awards on request for funding for Social Service programs. She stated she feels that the City should definitely have some type criteria and one of that criteria is that the service is not affected or funded by other governmental agencies or service people outside the City of Raleigh. She indicated the service provided should be one that is vital to the citizens of Raleigh and she definitely feels that services that are definitely Social Service oriented that affect the whole county or even more than Wake County should definitely be the County's responsibility. She indicated she feels that what we have here is a Council with various degrees of soft-heartedness and they seem to give the money to the organizations who make their speeches and requests for funds most tear-jerking. She indicated she feels all of these monies should be put in one pot and the City develop some criteria on which to fund these requests. Therefore, she should make a substitute motion that all requests for this type funding be delayed until the City deals with the budget and in the meantime ask the Law and Finance Committee to develop some type criteria rather than randomly giving the money out based on who is the best speaker. Her motion did not receive a second.

Mayor Upchurch indicated he had no problem with working out criteria and how to distribute this money but he wants the City Council to get away from this City versus County. He indicated the City is working very hard to resolve these We versus Them problems. He stated in this particular case, the Law and Finance Committee did go into the organization's work and cut the request down and told them it would be a one-time appropriation to be utilized as seed money. Mrs. Cates expressed appreciation to the Law and Finance Committee for allowing the $5,000 indicating in her opinion however, they should have been given more. She stated this is a very worthwhile program and could very easily become one of her pet projects. She stated a lot of complaints are not dealt with and cannot be dealt with by the City Code or through the court system and she feels that this group can help resolve some of the conflicts that citizens have that affect the quality of life. Mr. Calloway agreed indicating he feels that this type gesture helps us move down the road to meeting our responsibilities. Mr. Congleton indicated he understood part of Mrs. Blocks concern in that the City does get involved in dual responsibilities. He indicated he feels now that we have a City that has grown the way Raleigh has and become an urban area, that we get caught in a situation that things that take place in Metro Areas have such an

impact that the City does have to get involved. He stated he feels that this is something that has to be looked at very carefully. He stated he hopes that we do not a step backward in meeting our responsibility. He stated he did not know how we could set out parameters on criteria to distribute these funds but he feels that it should be looked at in total work session of the full Council rather than a particular committee. Mr. Walters indicated it is hard to talk about all of these programs with such a worthwhile cause and say the City should not be involved, however, he does not think the City has the responsibility for Welfare Programs as that is a County, State, or Federal responsibility and is specifically outlined as not being a responsibility of local government or City government. He indicated many times people have come before the Council requesting funds and the City allocated the funds and said that this would be a one-time allocation only, but that never holds true. He indicated municipalities do not ordinarily have funds that can be legally expended for this type program and, in his opinion, the responsibility is simply not there. He stated we have been good neighbors and have shared our Revenue Sharing Funds and as individuals, Council Members have responsibilities to these programs but as a City Council, we do not.

Ms. Babb indicated she feels it is very clear that the debates have demonstrated that there are two different philosophical positions. She indicated one position that she feels Mrs. Block and Mr. Walters share is close adherence to specific legally mandated programs for the City to carry out and that the City should stick very closely to those responsibilities and not get into taking on more responsibility. She stated that is a legitimate point of view but is not one that she shares. She indicated the City Council is the governing body of this area and she feels that it is the City Council's responsibility to carry out legally mandated programs and she feels that because the City does have a good Administration that we have done a very good job in carrying out the legally mandated responsibilities. She indicated, additionally, she believes that the City Councils in the past have felt that as leaders of the community they have a responsibility to go above and beyond what is their legally mandated responsibilities and have set the tone. In her opinion, that is government in its fullest sense and that is to do what we are legally mandated to do and then go beyond that. She indicated she is not saying that the City should move into the legally mandated county governmental operated services, but what we do have is we are an urban area so we have more human needs and they are multiplying. She indicated she is delighted and proud that we have so many nonprofit groups that spring up to help meet these human needs and is glad to see that the small amounts that the City gives allows these agencies who do receive funding from other groups to extend the services a little more. She indicated these agencies are meeting a need but they take the City's money and are able to meet more needs. She indicated the third point she would like to make is that overall, if you add up how much the City of Raleigh gives to this type of agencies, it would equal to less than one-half of 1% of the operating budget of the City of Raleigh and, surely, the Council could not sit and object to spending this small amount of money on assisting and meeting the human needs of our area. She stated we have two sources of money. One is Revenue Sharing pointing out we do not know how long that will be available but it is a priority of the National League of Cities and the U. S. Conference of Mayors each year. She stated the small amount of money we have expended from Revenue Sharing on these human service needs has not prevented the City of Raleigh from building a Municipal Building, parking deck, etc., so she does not feel that pot of money has suffered. She indicated another source is Community Development and this is an eligible activity for Community Development funds. She indicated she is just trying to say that there are two definitely philosophical views on this and she just wanted to give some of the reasons for her position. Mr. Upchurch indicated he just feels that the City needs to work very hard and try to deal with this situation without getting into a City versus County position. Mrs. Block pointed out Revenue Sharing Funds are given to cities, counties, etc., and they are given to each separate governmental entity to be utilized for that entity. She indicated when the City of Raleigh decides to spend their money for causes that affect the whole county or sometimes a two or three county area, in her opinion, the Council is doing the taxpayers of the City of Raleigh a disservice as they, too, are County residents. She indicated all she asks the Council to do is to develop some type criteria for awarding these benefits to these type services. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

BOARD OF ADJUSTMENT OPERATION - REFERRED TO WORK SESSION

Mr. Keller indicated the Law and Finance Committee recommends that this item be referred to Work Session so that the Council may set down with the Board of Adjustment and discuss concerns of the City Council, concerns of the Board of Adjustment as well as Administrative adjustments as suggested by the City Attorney. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Keller indicated this was discussed in Committee and there are some mutual problems and he feels that it would be good if the Council and the Board of Adjustment can sit down and have a formal agenda and discuss any items that may concern both bodies. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SIGNS - AUTOMATIC CHANGEABLE COPY SIGNS - NO CHANGES MADE

Chairman Keller reported the Law and Finance Committee recommends that the Zoning Inspector's interpretations be upheld in this case and that the applicant be advised to consider a text change if he feels the Code sections are ambiguous. On behalf of

the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATIONS OF THE PUBLIC WORKS COMMITTEE

REZONING Z-125-83 - EAST EDENTON STREET - PROPERTY REZONED TO BUFFER/COMMERCIAL

Mrs. Block indicated the Public Works Committee recommends that the property covered by Rezoning Application Z-125-83 be rezoned to Buffer/Commercial District. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Congleton indicated he was concerned about this case and asked what the permitted uses are in Buffer/Commercial and how those uses may fit in with this particular corridor. Planning Director Chapman explained the allowed and prohibited uses in Buffer/Commercial. Mr. Walters pointed out this property has been zoned Office for a number of years and no development has ever occurred. He indicated the neighbors are very supportive of this rezoning as long as they can keep out bars and taverns and make sure there is good development. Mr. Congleton indicated that is his concern. He, too, wants to make sure there is good development as this is a corridor into the City. He indicated we do not have site plan approval in Buffer/Commercial and he is concerned that we make sure that the Council be very cautious so that the development in this very nice corridor will be attracted with Mr. Walters agreeing that this used to be one of the most beautiful entrances to the Capital. However, the traffic pattern was changed and the City almost completely ruined that area. He indicated the neighbors feel that any good development is better than vacant property with Mr. Congleton agreeing on "any good development" but stated he has concern that we do not have site plan approval and have no way to assure that the development will be good development. After brief discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 275 ZC 133.

ASSESSMENT METHOD - NO CHANGES MADE

Chairperson Block indicated the Public Works Committee recommends that there be no change in the current method of assessment for water and sewer installations. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TEXT CHANGE PROPOSAL - SITE PLAN APPROVAL FOR O&I-I, BUFFER/COMMERCIAL AND NEIGHBORHOOD BUSINESS - PUBLIC HEARING AUTHORIZED FOR MARCH

Chairperson Block indicated Council received in their Agenda packets a proposed ordinance to require site plan approval in Office & Institution-I zoning districts and the Committee recommends that this ordinance be scheduled for the March joint zoning hearing. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Walters suggested the possibility that this be amended to require site plan approval in O&I-I zoning districts, Buffer/Commercial, and Neighborhood Business. Mrs. Block indicated this is just going to public hearing so she would have no objection to the advertisement which would require site plan approval for the three districts, therefore, she amended her motion to that effect. The amendment was accepted by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

WATER AND SEWER EXTENSIONS - U. S. 64 East - APPROVED; SEWER ACREAGE FEE AREA NO. 8 - ADOPTED

Chairperson Block indicated the Public Works Committee recommends the establishment of a new acreage fee area - Sewer Acreage Fee Area No. 8 which includes portions of existing Areas 1 and 16 and the retention of any funds collected in an escrow for the benefit of that area. She stated the Committee further recommends that the developer be allowed to extend an 8-inch sewer main from the City's existing system to serve property on U. S. 64 East in the vicinity of Tower Shopping Center. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and after a brief explanation by Mrs. Block was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 447

A RESOLUTION TO AMEND THE OFFICIAL SEWER ACREAGE FEE MAP

WHEREAS, the City of Raleigh has established sewer acreage fees, and it has divided the Raleigh planning jurisdiction into sewer acreage fee areas;

WHEREAS, the City Council finds that it is necessary to establish a new sewer acreage fee area to fund a sewer lift station which is required to provide sewer service to this area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. That the Sewer Acreage Fee Map approved by the City Council 22 January, 1980, as amended, which is on file with the City Planning Department, is further amended to add a new sewer acreage, sewer acreage fee area eight.

Section 2. All resolutions and maps in conflict herewith are repealed to the extent of said conflict.

Section 3. This resolution shall become effective immediately.

Adopted: 2/7/84

Effective: 2/7/84

TEXT CHANGE PROPOSAL - PARKING IN RESIDENTIAL DISTRICTS - PUBLIC HEARING AUTHORIZED

Mrs. Block indicated Council Members received in their Agenda packets a proposed ordinance to repeal the authority of the Board of Adjustment to issue Special Use Permits for commercial parking in residentially zoned open lots with the recommendation that this ordinance be scheduled for the March zoning hearing. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

PA-197 - GRAY-FISH-RICHARDSON HOUSE - APPROVED AS AMENDED

Chairperson Babb indicated the Comprehensive Planning Committee recommends that the Planning Commission's recommendation, CR-4024, be upheld except that the time limit for obtaining the cross easements or expanding the driveway be changed to six months. She indicated Council Members received a copy of the Certified Recommendation on their desks earlier today. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

COMMUNITY DEVELOPMENT - FAIR MARKET DISPOSITION VALUES AND OFFERS TO PURCHASE VALUES - APPROVED AS RECOMMENDED BY THE HOUSING AUTHORITY

Chairman Walters reported the Real Estate Committee recommends that the following fair market disposition values and the offer to purchase values be approved as recommended by the Housing Authority and as shown below. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The values were as follows.

To approve the "fair market disposition" values or reuse values based on one reuse appraisal report.

	PARCEL	LOT SIZE	APPROVED VALUE
A.	523-533 E. Davie St.	157.02 x 72.5 112 x 205	$17,200.00
B.	709-713 Ellington St.	114 X 114.51	$ 7,400.00

To approve the fair market disposition values or reuse values based on the appraised "market value after rehabilitation."

	PARCEL	LOT SIZE	APPROVED VALUE
A.	627 E. Hargett St.	62' x 81.41	$30,750.00
B.	619 E. Hargett St.	65' x 100	$47,000.00

To approve "offer to purchase" the following at the established disposition value:

	PARCEL	LOT SIZE	APPROVED VALUE	APPROVED OFFER
A.	627 E. Hargett St.	62' x 81.41	$30,750.00	$31,800.00
B.	619 E. Hargett St.	65' x 100	$47,000.00	$47,000.00

CONDEMNATION - WHITE HOLMAN HOUSE - RESOLUTION ADOPTED

Chairman Walters reported the Real Estate Committee recommends that a Resolution of Condemnation be adopted in order to establish the compensation to be awarded to Richard Parsons, III, for his remaining lease-hold interest in the White Holman house that he now occupies. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1984) - 448

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF THE RALEIGH HISTORIC PROPERTIES COMMISSION, LAWRENCE RICHARD PARSONS, III, AND ELIZABETH BARBOUR PARSONS

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain leasehold interests owned by the above-named Commission and persons for the following public purpose:

The redevelopment and rehabilitation of the Downtown East Redevelopment Area, specifically to relocate that dwelling house known as the "White-Holman house" within the Downtown East Area.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

BEGINNING at a stake 70 feet east from the northeast intersection of Morgan Street and Blount Street, running thence parallel with Blount Street north 105 feet to a stake; thence east parallel with Morgan Street 140 feet to a stake; thence south parallel with Blount Street 105 feet to Morgan Street; thence with the north line of Morgan Street 140 feet to the point and place of BEGINNING, containing approximately 1/3 of an acre and being Lot No. 175 in the plan of the City of Raleigh, excepting the 60' right-of-way as shown on a map prepared by the City of Raleigh Department of Central Engineering recorded in Book 1968, Volume 2, Page 230 and the southeast corner of said property also shown on the map hereinbefore referred to.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: February 7, 1984

URBAN RENEWAL LAND - INFORMATION RECEIVED

Mr. Walters reported that the Real Estate Committee wanted the Council to be informed of the interest by the Occoneechee Council, Boy Scouts of America, to purchase tract M of the Urban Renewal land that contains 4.1 acres pointing out an appraisal has been authorized on this property and a report will be made to the Council on this possibly at the meeting of February 21. Ms. Babb indicated she is delighted to hear this; that would be an excellent disposition of that property. The item was received as information.

CONDEMNATION - LAKE DAM ROAD PROPERTY - RESOLUTION ADOPTED - CONDITIONALLY

Chairman Walters reported the Real Estate Committee recommends that the Council consider adopting a Resolution of Condemnation to acquire the 1.66 acres on Lake Dam Road which belong to Mark Robertson and wife, Sarah D. Markham. Mr. Walters explained that this is the corner of the former Bryant property that the City purchased some time back. He briefly explained the negotiations that have occurred relating to this property and the counter offers, etc. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block. Mrs. Cates pointed out Mrs. Markham called her last week and was upset indicating that she wants to negotiate with the City but her husband works out of town and it is hard to get together. She indicated Mrs. Markham told her that she is willing to talk about it and would like to talk about it with the City prior to condemnation being filed. Brief discussion took place with City Attorney McCormick indicating under the new law there is quite a bit of time that will be allowed for negotiation prior to the condemnation proceedings actually starting. Mr. Walters indicated he felt we should go ahead with the understanding that the City Attorney would not move forward in filing the condemnation until the Real Estate Committee meets another time to discuss this item. The motion, as stated, was put to a vote which resulted in all members voting the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1984) - 449

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF MARK A. ROBERTSON AND SARAH D. MARKMAN

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by Mark A. Robertson and Sarah D. Markman for the following public purpose:

To provide for the recreation, welfare, and comfort of the public, to promote the physical, mental and cultural development of its citizens, and to establish and upgrade a program of public recreation and leisure time activity, specifically, to develop and improve the Lake Johnson Park.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Beginning at an iron pipe the southeast corner of the Wayne Burch estate, and at a point south 80 deg. 30 min. west 58.83 feet from the western right-of-way line of a 60-foot public road, the same being N.C.S.R. No. 1427 according to a map hereinafter mentioned: runs thence north 87 deg. 30 min. east 58.83 feet to an iron road in the western right-of-way line of the 60-foot public road; thence along the western right-of-way line of said road south 18 deg. 00 min. west 125.4 feet to a point; thence along the western right-of-way line of said road south 10 deg. 00 min. west 61.70 feet to an iron rod; thence along a new line of the Bryant property north 73 deg. 56 min. west 431.50 feet to an iron rod; thence along a new line of the Bryant property north 6 deg. 24 min. east 166.89 feet to an iron rod in the south line of the Wayne Burch estate; thence south 74 deg. 27 min. east 399.22 feet to an iron pipe, the point and place of beginning and containing 1.66 acres, and being a part of Tract No. 3 of the Brickman property according to a map made by C. W. Russum, Registered Land Surveyor, dated September and December, 1967.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: February 7, 1984

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

CHANGE ORDERS - VARIOUS - APPROVED

Mrs. Block pointed out because of the snow, the Committee meeting had to be cancelled, however, City Manager Benton has two items he would like to bring up. City Manager Benton indicated there are two change orders that need Council attention. He indicated the first one relates to the contract for the elevator and the change order is an addition of $573.38 to install emergency telephone communication link for safety purposes. Mrs. Block moved approval of the change order relating to the elevator contract and appropriation of funds. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor moved the motion adopted. See Ordinance 272 TF 14.

City Manager Benton indicated the second change order is an addition of $3,300 relating to modification of the counters in the Revenue Collector section of the new building. He indicated the design we have now fails to sufficiently meet the needs for security for the cashiers in the new building. Brief discussion took place and Mrs. Block moved approval of the change order and appropriation of funds for the change order as outlined by the Manager. He motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

GREENWAY COMMISSION - 1983 ANNUAL REPORT RECEIVED

Phil Hinton, Chairman of the City of Raleigh Greenway Commission, was at the meeting indicating Council Members had received a copy of the 1983 Annual Report. He briefly went over the highlights of the annual report pointing out this will be discussed in more detail with the Council during the social scheduled for 5:30 this afternoon at the Tucker House. He indicated for the very first time since the inception of the Greenway Commission, they have committed all funds that they have on hand or in reserve. He stated this is very unusual and in order for the Greenway work to move ahead with the program at the rate it is now developing, additional funds will be needed. Mr. Hinton referred Council Members to the recommendations in the report they had received earlier and briefly went over the six recommendations.

Mrs. Block indicated she has been watching the Greenway Commission and the work of the Commission since its inception. She indicated she feels that a great sense of pride in the City's Greenway and feels it is a legacy that this City Council and past Councils would leave to the citizens of Raleigh. She expressed appreciation to all Greenway Commission members who have been involved in this effort. Mr. Walters pointed out back in 1974 when the Greenway Commission concept was started, $100,000 dollars was set aside each year for the work but pointed out the Greenway Commission has been so successful in getting donations and voluntary dedications of land that they did not need the money so the budget was cut back. He indicated now they are in a situation where it is going to take a lot of money and referred particularly to the

Walnut Creek area. He indicated he was just making these comments in hopes that the Council would consider their request favorably. It was pointed out by the Mayor that he feels the recommendations would fall into the administrative process such as budget hearings, etc., and maybe the Greenway Commission could talk with the Attorney concerning their suggestions relating to revising City ordinances and questions they have relative to an acquisition of land.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY COMMITTEE

MILLBROOK ROAD EXTENSION/SHELLEY LAKE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Carol Sawicki, representing the Parks and Recreation Advisory Board, called Council Members' attention to the recent issue of Pace. She indicated the City owes a vote of confidence to Research & Information Director Hinnant for her work in helping shape up this article. She referred to the excellent write-up about recreation and read it asking Council Members to remember the thoughts. Ms. Sawicki indicated the Master Planning Committee for the Shelley/Sertoma Park Master Plan has been discussing the effect of the alignment of Millbrook Road Extension pointing out this is a part of the major thoroughfare plan. She presented maps showing this area and explained problems with this section of Millbrook Road that is proposed to connect with Shelley Road right below the dam of the Shelley/Sertoma Park. She indicated this section is not proposed on the five year Capital Improvement Plan but in its present alignment, it does present several problems for the park. She spoke to these briefly speaking of contour, the spillway grading, flood hazards, and the specific problems for the functional design of the road in this area. She indicated that the Master Planning Committee is very concerned about the possible loss of parking below the dam pointing out this has involved into a Metro Park and the additional parking below the dam is needed. She indicated because of the multiple problems relating to this alignment, they would request that a feasibility study be done on the alignment of Millbrook Road west of North Hills Drive and its impact on the park, the spillway, the dam, and the neighborhood and to develop options that will reduce all of these impacts and to make recommendations for provision of alternate parking at the southeast corner of the park to mitigate the lost parking below the dam. She indicated they are recommending that money for this study be appropriated from General Funds pointing out she has talked with the Department of Transportation and Mr. Barham has said that it would probably be good to have outside help on the functional alignment design because of the complex problems, hydraulic issues, etc. It was pointed out that this question is already in the Comprehensive Planning Committee and after other discussion on the status of the transportation plan update, etc., it was agreed that the comments would be received and referred to Comprehensive Planning Committee for consideration. Mrs. Cates commended Ms. Sawicki and other members of the Parks and Recreation Advisory Board for their dedicated efforts.

THE COUNCIL TOOK A FIFTEEN MINUTE RECESS AT 3:10.

REPORT AND RECOMMENDATION OF THE WORK SESSION

STREET LIGHTING COST REDUCTION STUDY - REFERRED TO PUBLIC WORKS COMMITTEE; POSSIBLE ACQUISITION OF STREET LIGHTING SYSTEM - REFERRED TO REAL ESTATE COMMITTEE

Mayor Upchurch indicated during Work Session it was recommended that the options and alternatives outlined in the Street Lighting Cost Reduction Study performed by Touche, Ross & Company be referred to Public Works Committee and the possible acquisition of the street lighting system be referred to the Real Estate Committee. Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-127-83 - WADE AVENUE - PROPERTY REZONED TO RESIDENTIAL-30; SUGGESTIONS AND RECOMMENDATIONS RELATING TO GLENWOOD/BROOKLYN/CAMERON VILLAGE AREA - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

During the Work Session, Mayor Upchurch indicated it was recommended that the property covered by Rezoning Application Z-127-83, which is approximately 159,791 square feet of property be rezoned to Residential-30 pointing out this includes a portion of Parcel 36, Tax Map 523. In addition, it is recommended that the suggestions and recommendations for the Glenwood, Brooklyn, Cameron Village neighborhoods and the Methodist Home site as presented at the Work Session be referred to the Comprehensive Planning Committee with Administration and the Parks and Recreation Advisory Board providing input on this suggestions to the Comprehensive Planning Committee. Mrs. Cates moved that the recommendation relating to rezoning Z-127-83 be approved. Her motion was seconded by Mr. Congleton. Mr. Walters indicated he feels there is a big misconception about this neighborhood and he hopes the Comprehensive Planning Committee will try to get input from the actual residents and the neighbors. He indicated the people who asked for this change are people who do not live in the neighborhood. He indicated a number of people in the neighborhood are opposed to this plan and should be invited to the hearing pointing out one particular person is W. Ross Turner who lives on Washington Street. Ms. Babb pointed out the Comprehensive Planning Committee recognizes that this is a major type decision and that she would imagine that anything they recommend would require public hearings, etc. After brief discussion, the motion, as stated, was put to a vote which passed unanimously. Mayor Upchurch ruled that the motion covered the rezoning application as well as referring the matter to Comprehensive Planning Committee.

ORDINANCE NO. (1984) 275 ZC 133

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) East Edenton Street (south side) and New Bern Avenue (north side) between North East Street and Ray Street, being Parcels 6, 9, 21, 22 and 23, Block G-1, Tax Zone Map G-1, approximately one acre rezoned to Buffer/Commercial District. (Z-125-83)

(b) Wade Avenue, south side, between St. Mary's Street and Glenwood Avenue at the proposed intersection with Wirewood Drive, being a portion of Parcel 36, Tax Map 523, approximately 159,791 square feet rezoned to Residential-30 District, according to map on file in the City of Raleigh Planning Department. (Z-127-83)

(c) Weybridge Drive, north side, between Litchford Road and Rainwater Road, south of Hunting Ridge Road, being portions of Parcel 6, Tax Map 353, approximately 1.28 acres rezoned to Conservation/Buffer (.38 acre) and Residential-6 (.90 acre), according to map on file in the City of Raleigh Planning Department. (Z-11-84)

(d) Millbrook Road, north side, at its western intersection with Green Road, being a portion of Parcel 382-157, Tax Map 410, approximately 2.5 acres rezoned to Industrial-I District, according to map on file in the City of Raleigh Planning Department. (Z-14-85)

(e) Calvary Drive, east side, between U. S. Highway 1 North and U. S. Highway 401 North (Louisburg Road), being Parcel 21, Tax Map 410, approximately 8.46 acres rezoned to Office and Institution-I District. (Z-15-84)

(f) U. S. 1 North, approximately 1400 feet eastward of the right-of-way, between Wake Forest Road (extended) and Homestead Drive, being a portion of Parcel 2, Tax Map 328, approximately 65 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-16-84)

(g) U. S. 1 North and Perry Creek Road, northeast corner of the intersection, being Parcel 7, and a portion of Parcel 1, Tax Map 328; and a portion of Parcel 11, Tax Map 307, approximately 275 acres rezoned from Wake County Highway District (2.69 acres) and General Business (2.69 acres) to City Thoroughfare District and some 269 acres rezoned from Wake County Residential-30 to City Residential-4, according to map on file in the City of Raleigh Planning Department. (Z-17-84)

(h) Jones Sausage Road, south side, between Auburn Church Road and the western right-of-way of the proposed extension of Interstate 40, being Parcels 4, 171, 43, and portions of Parcels 3, 11, 14, 15 and 41, Tax Map 659, approximately 330 acres rezoned from Garner Residential-40 to Raleigh Residential-4, according to map on file in the City of Raleigh Planning Department. This includes an additional official zoning map tracing for Tax Map Grid 660. (Z-20-84)

(i) Peach Road, south side, between U. S. 70-401 South, and Cherry Road, being Parcel 51, Tax Map 631, approximately .496 acre rezoned to Residential-20. (Z-22-84)

(j) Hailey Drive, east side, between Athens Drive and the Beltline, being Parcel 55, Tax Map 548, approximately .78 acre rezoned to Residential-6. (Z-25-84)

(k) North Person Street, west side, between E. Edenton Street and New Bern Avenue, being Parcels 6 and 7, Block A-77, Tax Map A-32, approximately 1/2 acre rezoned to Office and Institution-II. (Z-27-84)

(l) New Bern Avenue, south side, between S. Blount Street and S. Person Street, being Parcels 3, 4, 6 and 7, Block A-68, Tax Map A-29, approximately 1/2 acre rezoned Business District. (Z-28-84)

(m) North Person Street, west side, between E. Edenton Street and New Bern Avenue, being Parcels 6 and 7, Block A-77, Tax Map A-32, approximately 1/2 acre added to the Capitol Area Historic District (Overlay Zone). (Z-29-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective February 7, 1984.

Adopted: 2/7/84

Effective: 2/7/84

ADMINISTRATIVE ORGANIZATIONAL STRUCTURE - APPROVED

Mayor Upchurch indicated the Council recommends that the suggestion outlined by City Manager Benton in his January 16, 1984, memorandum relating to the administrative organizational structure, hiring of new personnel, etc., be approved. Mrs. Cates moved the recommendation be upheld and funds appropriated. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

CABLEVISION - COMMENTS RECEIVED; INFORMATION TO BE PRESENTED TO THE TELECOMMUNICATIONS COMMITTEE

Mayor Upchurch indicated during Work Session, the City Council cancelled the special meeting scheduled for January 26, 1984, relative to Cablevision's "Season Ticket." During the same meeting, the City Council asked that the Telecommunications Commission address the broader issues as discussed during the January 17, Council Meeting and, in doing so, understand that the City Council is and will rely on the Telecommunications Commission as the watchdog for the Council and the citizens in making sure that the franchise provisions are carried out and the interest of the Council and citizens are protected. Ms. Babb asked if this information has been communicated to the Telecommunications Commission with it being pointed out that once the action is approved by Council, a letter would be sent by the Clerk. Mr. Calloway moved the recommendation of Work Session be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

RALEIGH-DURHAM AIRPORT AUTHORITY - LAND TRANSFER - APPROVED IN CONCEPT

City Manager Benton indicated the Airport Authority has approved a transfer of property which involves the North Carolina National Guard and property owned by the Airport Authority. He indicated this action involves the relocation of the current National Guard facilities at the airport and Council Members received a copy of the report describing the proposed action in their Agenda packets. He pointed out the approval by City Council is required prior to the Airport Authority disposing of any property and the Airport Authority has requested that the City of Raleigh concur with this transaction.

Reginald Weaver, representing the Airport Authority, gave a detailed description of the proposal pointing out the proposed property transaction between the State and the Authority involves the State conveying to the Authority the title to the 5.45 acres of land which it owns, terminating the lease on the other 12.41 acres of the existing National Guard site plus an adjoining taxi-way easement and transferring ownership of all existing Real Estate improvements on the total site to the Airport Authority. This action is to be taken upon completion of construction of the new National Guard facility. From the Authority, the State is to receive the title to 35.10 acres of unimproved land plus an adjoining taxi-way easement with the Authority also extending an access road and a water line to the new site and, by the end of the current decade, extending a sewer line to the site as well. It was pointed out initial sewage treatment would be on site. He stated the property conveyance to the State incorporates a reverter clause indicating that the new State property would always be utilized for military purposes. Mr. Weaver explained the proposal in detail including the change in operation of the military facility, the fact that they would still be operating under FAA standards and requirements, and the advantages of this trade to the airport and its renovations. In response to questioning, He indicated the present buildings are very useful as the Airport Authority would probably move their staff into these facilities and be able to relocate the road and straighten out the bad curve. Mr. Walters moved approval of the concept as outlined. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HANDICAPPED ACCESS RAMPS - PROPOSED PROGRAMS - APPROVED

The City's current policies include the construction of proper access ramps when new streets and sidewalks are built. However, a specific program does not exist to address the many miles of existing streets and sidewalks.

To provide an orderly process for addressing the modification of existing sidewalks and streets, it is proposed that the City Council adopt a policy to address the process which would be followed when requests are received to install these facilities. A copy of a proposed policy resolution was included in the Council Agenda packets.

If this policy is approved, the proposed FY 84-85 Budget would include funding to accommodate responses to specific requests.

Recommendation: It is recommended that the City Council approve the policy resolution for providing handicapped access ramps. City Manager Benton indicated this is just putting a program in place and we would anticipate putting about $5,000 into next year's budget which would cover installation of about ten ramps if requested. Mr. Congleton moved approved as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 1984 - 446

RESOLUTION TO ESTABLISH THE POLICY FOR INSTALLATION OF ACCESS RAMPS ON THE EXISTING CITY STREETS FOR THE HANDICAPPED (MOBILITY IMPAIRED) IN THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has supported the improvement of handicapped accessibility and use of the streets and other facilities of the City through its actions in adopting Ordinance 1974-611 - TC-21 and the Special Populations Programs of the Arts Commission and Parks and Recreation Department, and

WHEREAS, the Governor's Advocacy Council recommends that it is incumbent on local government to establish policy and practice consistent with G.S. 168-2 which states in part: "Handicapped persons have the same right as the able-bodied to full and free use of streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned which serves the public," and

WHEREAS, the City of Raleigh recognizes that no one should be denied reasonable access to the use of the City streets and the transportation systems, and

WHEREAS, it is in the best interest of the handicapped citizens of the City of Raleigh that handicapped ramps be installed to the extent possible and feasible and not inconsistent with the functional utilization of the streets by motor vehicles and pedestrians and other legitimate usage,

NOW, THEREFORE, BE IT RESOLVED THAT the policy of the City of Raleigh with respect to the installation of handicap ramps on existing streets shall be as follows:

Section 1. Requests must be for provision of primary transportation access, i.e., access to a street or to a transit system.

Section 2. Requests must be accompanied by a certification from the applicant and an attending physician on a form provided by the City. The physician's certification shall detail the reasons for wheelchair confinement and indicate concurrence in or a statement of the opinion that approval of the request would be in the best interest of the requesting party for enhancement of his wheelchair mobility.

Section 3. Requests involving other criteria than Section 1 and 2, will be approved subject to availability of funds, the recommendation by the City Manager and approved by the Council of the City of Raleigh.

Section 4. A survey of the location, orientation, and functional traffic and storm drainage relationships of the requested ramp(s) will be prepared by the Engineering Department and reviewed by the Department of Transportation and Public Works Department prior to approval.

Section 5. Petitions shall be submitted to the City for installation of curb ramps or cuts for the handicapped, forms to be available from the Public Works Director. Survey, evaluation and review shall be by the Engineering Department. The Public Utilities and the Department of Transportation and the Public Works Department shall review and evaluate requests in accordance with the conditions of this resolution. Authorization shall be by the City Council, with installation by Street Maintenance Division of the Public Works Department subject to the conditions of this resolution.

Section 6. That any ordinance or resolution in conflict with this amendment is hereby repealed to extent of said conflict.

Section 7. This resolution shall become effective upon adoption.

Adopted: 2/7/84

DAWSON/McDOWELL PROJECT - LANDSCAPE PLANS - STATE COMMENDED

It was pointed out the Appearance Commission has reviewed the preliminary landscape plans for the Dawson/McDowell Connector Project and would like to recommend that the City Council recognize and commend the North Carolina Department of Transportation for its efforts. Planner Bob Moser, utilizing the plans available at the meeting, explained the State's proposal which includes an outstanding planted median, flowers and shrubs with oaks on the outside, Crepe Myrtle on the inside, etc. He indicated

it is a very detailed and a very good plan pointing out the Appearance Commission was very impressed with the proposed landscaping and feels the plans reflect a quality treatment which the State has shown in the landscaping of other road projects in the area. Mrs. Block moved that the City Council commend the State in their efforts pointing out this is a beautiful plan which will make a great entrance to the City. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PERSONNEL - VARIOUS ACTIONS - APPROVED

City Manager Benton presented the following reclassification of position in the Inspections Department.

The Housing Code Enforcement Program includes two Housing Inspector Supervisor's positions. It is proposed that one of the Housing Inspector Supervisor positions (pay grade 33) be reclassified to an Administrative Assistant-II position (pay grade 34).

This modification will enhance the department's ability to perform administrative support in terms of updating procedures and policies. Because of the current supervisory staffing, it is not anticipated that there would be an adverse impact in the Housing Inspections program.

Mr. Benton then presented the revisions to the Building Maintenance staffing for the New Municipal Building explaining the Public Works Department has reviewed its staffing authorization in anticipation of the shift to the new building. Because of the need to improve oversight of the contract maintenance services, coordinate custodial staff for the two buildings, and provide office assistance to the Building Maintenance Superintendent, it is proposed that the personnel allocated be revised as follows:

Delete the following authorized positions:

1 Custodian-I, Pay Grade 19, Annual Rate	$ 8,911
1 Building Maintenance Worker, Pay Grade 25, Annual Rate	$11,943

These positions are vacant at the present time.

Add one Administrative Assistant-I, Pay Grade 31, Annual Rate	$16,005

A fund transfer would be necessary to provide office equipment in the amount of $1,325.

City Manager Benton then explained a recommendation relative to the creation of the Housing Expediter position.

One of the recommendations of the Private Sector Housing Task Force was that Administration should create a position which would serve as an expediter for the special housing programs that would be submitted to the City. It is proposed that one position of Rehabilitation Loan Agent (pay grade 33) be reclassified to that of Housing Expediter (pay grade 38) in the Department of Community Development. This new position would assist in the housing construction efforts which would be undertaken in Southeast Raleigh and the Downtown area.

The budgetary impact of these above proposals are listed below:

(1)	Add salaries	+ $1,242
(2)	Reduce salaries	- $4,849
	Add office equipment	+ $1,325
	General fund impact - decrease	- $2,282
(3)	Add salaries	+ $4,872
	Community Development Fund impact - add	+ $4,872

Mr. Benton presented the following recommendation:

Recommendation: It is recommended that the proposed adjustments in personnel allocations be made and that the following transfer of funds for the office furniture and Expediter position be approved.

From:		
01-2-5050-0225	Repairs Bldg. & Structures - Mun. Bldg.	$1,325.00
To:		
01-2-5050-0702	Office Furniture - Mun. Bldg.	$1,325.00

From:		
43-2-5080-0100	Contingency - C.D.	$1,375.00
To:		
43-2-5090-0100	Salaries - C.D.	$1,200.00
43-2-5090-0101	Fringes - C.D.	175.00
		$1,375.00

Mr. Walters moved approval of the Manager's recommendations as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

BIDS - LEE STREET MINI PARK - APPROVED - FUNDS APPROPRIATED

The construction of the Lee Street Mini Park was part of the Council approved program under the Emergency Jobs Bill of 1983-84.

After the second advertisement, on January 18, 1984, two bids were received as follows:

J. C. Edwards	$68,686
Gaither Contractors	$62,996

Recommendation: It is recommended that the low bid be approved and that the following transfer of funds be approved.

From:			
43-2-6000-0100	Public Facility Improvements	Comm. Dev.	$63,396.00
To:			
43-2-6000-0106	Lee Street Mini-Park	Com. Dev.	$63,396.00

Mr. Calloway moved approval of the recommendation as outlined. His motion was seconded by Ms. Babb. Mr. Upchurch asked for information on the other items relating to the Emergency Jobs Bill Program with John Cummings of the Community Development Department giving a brief status report. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 272 TF 14.

APPOLO HEIGHTS COMMUNITY CENTER - DESIGN SERVICES - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH BOISSEAU DESIGN GROUP/ARCHITECTS

Pursuant to Council authorization, proposals for design services were solicited by Administration. Twenty proposals were submitted. The top three proposed by Administration are:

Boisseau Design Group/Architects
Reynolds and Associates
Ramsey Associates

Recommendation: It is recommended that the firm of Boisseau Design Group/Architects be retained for this project subject to Administration being able to negotiate a reasonable agreement, which would be brought back to Council for approval.

Mr. Calloway questioned what the problems relating to HUD and the transfer of land involved with City Manager Benton indicating basically we wanted to make sure that the City of Raleigh had ownership of the property before the building was constructed and the language in the proposal was not clear. City Attorney McCormick indicated he felt that all of the problems had been worked out. Mr. Calloway moved the Manager's recommendation, as outlined, be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SANITARY SEWER EXTENSION - SPRING FOREST APARTMENTS - CITY TO ACCEPT EASEMENT

A request has been received from the agent for Spring Forest Apartments to extend gravity sewer to this site. At present the site is served by a private pumping station which connects to the City system. The station is malfunctioning and they desire to extend the gravity sewer to the site.

This site is located at the corner of Hollenden Drive and Spring Forest Road which is inside the City. The reason for Council consideration is the need to accept the sanitary sewer easement which would be dedicated as part of this project.

Recommendation: It is recommended that the City Council authorize acceptance of the appropriate sanitary sewer easement for this project. City Manager Benton indicated this development occurred with a private pump station and now that they can get gravity flow, they want to get onto the City system. He indicated the property owner will be responsible for making the connection. Mr. Walters moved the Manager's recommendation, as outlined, be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Mrs. Block indicated she wanted to take this opportunity to

point out that gravity-flow sewer is obviously best for everyone involved as many times these private pump stations do come back and ask to hook onto the City's system.

SANDERFORD ROAD PARK - MAYOR AUTHORIZED TO SIGN AGREEMENTS ACCEPTING GRANTS

As previously reported to Council, the National Park Service has approved funding for Sanderford Road Park in the amount of $50,000 which is 25 percent of a total project cost of $200,000 for improvements to this park. The City's cost of $150,000 is budgeted in the Park Bond Fund.

Recommendation: It is recommended that the Council accept this grant and authorize the Mayor to sign the agreement. It is further recommended that Administration be authorized to make the appropriate budgetary adjustments to reflect receipt of this grant. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

STRUCTURES - 309 N. BLOUNT STREET AND 516 N. PERSON STREET - 516 N. PERSON STREET - CITY TO PROCEED WITH ENFORCEMENT PROCEDURE; 390 N. BLOUNT STREET - REFERRED TO LAW AND FINANCE COMMITTEE

These two properties have been the subject of discussions involving the City's Housing Code Enforcement Program. Since they are in the Historic District area, the City Council deferred action on these and asked that a report be received from the Historic Districts Commission. Council Members will have a report summarizing the conclusions of the Historic Districts Commission concerning these two locations.

Recommendation: It appears that Housing Code enforcement should be pursued at 516 N. Person Street and that the 309 N. Blount Street item should be reviewed by the appropriate Council committee. Mr. Walters moved the recommendations, as outlined, be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

INTERSTATE 40 - SIGNING POLICY - CITY TO SUPPORT - RESOLUTION ADOPTED; APPEARANCE COMMISSION TO STUDY SIGNING PROPOSAL FOR OTHER STREETS; COUNTY TO BE COMMENDED

The City Council has previously supported the efforts to establish a policy concerning signs along I-40. On November 3, 1983, the Council endorsed a recommendation of the Appearance Commission on this issue.

The City has now received a request from the Triangle J Council of Governments to adopt a resolution which requests the N.C. Department of Transportation to establish a system of logo identity signs along I-40. These signs would direct the traveler to gas, food, and lodging facilities. Council Members received a copy of the proposed resolution in their Agenda packets.

Recommendation: The Council may wish to consider adopting the proposed resolution. Mr. Congleton moved approval as recommended. His motion was seconded by Ms. Babb.

Mr. Congleton indicated he feels this is excellent in terms of direction we are heading with signing and he would like to look at the possibility of referring to the Appearance Commission the task of looking at other areas or roads that it would be appropriate to use this type signage. City Manager Benton indicated he did not know where this effort would stop as it relates to the City of Raleigh pointing out historically when we talk about I-40 we have been speaking of between Raleigh and the Triangle. Mr. Congleton indicated he would like to see this type signing considered for the entire Beltline and other major streets. The motion, as stated, was put to a vote and passed unanimously.

RESOLUTION 1984 - 450

To the North Carolina Board of Transportation

RESOLUTION SUPPORTING TRAVEL SERVICE SIGNING ("LOGO" SIGNS) ON INTERSTATE-40

WHEREAS, I-40 is the main entrance to the world-renowned Research Triangle Park. Governor James B. Hunt, speaking at the Horizons Unlimited Conference on October 27, 1983, said:

> I'm also concerned about the "look" of the Research Triangle Park and this entire area.
>
> The first question asked by representatives of businesses visiting this area is: "Can we go for a ride?"
>
> Yes, they are concerned about schools and job training and other issues. But quality of life is at the top of their agenda. They want a quality location and a quality environment.
>
> When that business executive leaves RDU Airport, he or she cannot be assaulted by the visual clutter of a billboard boulevard on Interstate-40.

WHEREAS, existing and proposed Interstate-40 passes through some of the most scenic lands in the Research Triangle Area, and

WHEREAS, most of the cities and counties through which I-40 passes or will pass have enacted measures to strictly control or prohibit billboards and other signs near the Interstate, and

WHEREAS, Travel Service Signing ("Logo" Signs) would serve two valuable purposes, to wit:

1. They would minimize the perceived need for billboards and other signs, and

2. They would be an aid to the traveling public in the absence of billboards and other signs.

NOW, THEREFORE, the City Council of Raleigh requests that the Travel Service Signing program be extended to the existing and proposed segments of Interstate-40 in the Research Triangle Area.

THIS RESOLUTION was passed by the City Council of Raleigh on the 7th day of February, 1984.

Mrs. Block indicated she would like for the City Council to write to the County Commissioners a letter of commendation for recent activities they have undertaken in preserving the integrity of I-40 between the City of Raleigh and the Beltline and so moved. Her motion was seconded by Mr. Congleton and after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Later in the meeting Mr. Congleton indicated he would like to refer to the Appearance Commission the task of looking at other roadways in the City as it relates to this type signing. Without objection, this is agreed to.

FIRE DISTRICT BOUNDARY - AMENDMENT TO SECONDARY DISTRICT - APPROVED

At the January 17, 1984, Council Meeting, a citizen's request addressed a problem with a proposed building on Boylan Avenue at North Street. The problem involved the secondary fire district boundary. Administration was requested to review the request and the fire district boundaries.

Included in the Council Members' packet was a map indicating the fire districts and a proposed amendment to the secondary district which would reduce the boundary between Boylan Avenue and Glenwood Avenue. Administration is continuing to study the total Fire District Program for possible additional modifications.

Recommendation: It is recommended that the Secondary Fire District be revised as per the proposed maps. Mr. Benton briefly explained the proposal and work that is ongoing relative to the City's new perspective on Downtown development. Mrs. Cates moved Administration's recommendation be approved. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 280

AN ORDINANCE TO AMEND THE SECONDARY FIRE LIMITS SO THAT THE AREA BOUNDED BY NORTH BOYLAN AVENUE, WEST JONES STREET, ANWOOD PLACE, AND THE REAR PROPERTY LINE OF THE PROPERTIES ON THE WEST SIDE OF GLENWOOD AVENUE IS MOVED OUT OF THE SECONDARY FIRE DISTRICT

WHEREAS, Raleigh City Charter Provision 2.14(44) (North Carolina 1949 Session Laws, Chapter 1442, Section 22(44)), authorizes the Raleigh City Council to establish and define primary and secondary fire limits;

WHEREAS, at the time that the Raleigh City Council established the outer boundary of the secondary fire district, greater high-density commercial development was anticipated in those areas than is now expected to occur;

WHEREAS, the Secondary Fire District Regulations prevent the construction of wood frame structures including residences in the secondary fire district; and

WHEREAS, the area bounded by North Boylan Avenue, West Jones Street, Anwood Place and the rear lot line of the properties which front on the west side of Glenwood Avenue between Anwood Place and West Jones Street is an area which is presently characterized by the renovation of existing wood frame structures and a potential for new residential construction.

NOW, THEREFORE, BE IT ORDAINED BY THE RALEIGH CITY COUNCIL THAT:

Section 1. The description of the secondary fire limits as set forth in Section 5-2044(b) of the Raleigh City Code and appearing on Page 5-7 of said Code, is hereby amended by inserting after the words:

"thence west to the center of the intersection of West Hargett Street and South Boylan Avenue; thence north to the center of the intersection of North Boylan Avenue and"

the following new language:

"West Jones Street; thence east to a point which aligns with the rear property lot line of the lots on the west side of Glenwood Avenue; thence north to the point at which that line intersects with Anwood Place; thence west to the center of the intersection of Anwood Place and North Boylan Avenue; thence north to the center of the intersection of North Boylan Avenue and".

Section 2. This ordinance shall become effective immediately following its adoption.

Section 3. All ordinances and clauses in conflict herewith are hereby appealed to the extent of said conflict.

Section 4. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in North Carolina General Statutes, Section 160A-175 or as provided in the City Code.

Adopted: 2/7/84

Effective: 2/7/84

HAZARDOUS MATERIAL RESPONSE PROGRAM - APPROVED - FUNDS APPROPRIATED

The 1983-84 Budget includes a program funded at a level of $48,500 to equip and train Fire personnel in responding to emergency conditions involving hazardous materials. Our efforts are well underway and most of the training has been completed. In moving forward with this program, it has been concluded that the initially approved program did not sufficiently address the range of equipment needed on the fire apparatus to provide immediate response when hazardous materials are encountered during a fire. Special foam and application devices are necessary. An additional funding allocation of $11,000 is therefore requested.

Recommendation: It is recommended that the following transfer of fund be approved. The appropriation for the New Hope Fire Contract is not required in this fiscal year as the arrangement has been worked out to give the property owners, in the newly annexed area, the appropriate credit on their new City taxes. In exchange, the County will collect the annual fire district tax and disburse it to the Wake-New Hope Fire Department.

Transferred From:		
01-2-4130-0265	Other Services - Fire	$ 11,000
Transferred To:		
01-2-4110-0700	Haz. Mat. Equipment - Fire	$ 8,000
01-2-4110-0233	M & O - Fire	3,000
		$ 11,000

Mrs. Block moved approval of the recommendation as outlined. Her motion was seconded by Mr. Calloway. Mrs. Cates indicated she had an opportunity earlier today to tour the fire facilities with the Chief and she is very impressed with the fire facilities of the City. She indicated they are now in the process of equiping a secondhand truck to take care of this program in the interest of economy and she feels that is very commendable. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 272 TF 14

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	84-2-1060-0000	E. M. Johnson Plant Exp.	$ 26,920.00
To	84-2-1060-0501	Filter Construction	26,920.00

Purpose: Contract Change Order - E. M. Johnson Plant Expansion, Roberts Filter Mfg. Company, #F-6.

From	84-2-1060-0000	E. M. Johnson Plant Exp.	$ 2,017.00
To	84-2-1060-0101	E. M. Johnson General	2,017.00

Purpose: Contract Change Order - E. M. Johnson Plant Expansion, Constructors, Inc., #G-6.

From	84-2-1040-0101	WS 1982-2A Creedmoor Road	$ 4,582.08
To	84-2-1000-0000	Res. for Council Proj.	4,582.08

Purpose: Contract Change Order - 12" Water Main - NC 50, J. F. Wilkerson Contracting Company, Inc. - Final.

From	43-2-5070-0100	Pub. Fac. Improv.	$ 90,767.00
To	43-2-5070-0101	Davie St. Widening	90,767.00

Purpose: To identify partial funding for Davie Street Widening.

From	01-3-3100-0123	Surplus Reserve	$ 4,129.42
To	01-2-1040-0410	Retirement Credits	4,129.42

Purpose: Funding credits to retirement from a reserve account established for that purpose - Larry T. Liggins.

From	01-3-3100-0123	Surplus Reserve	$ 2,004.97
To	01-2-1040-0410	Retirement Credits	2,004.97

Purpose: Credits to retirement from a reserve account established for that purpose - William Henry Payne, Jr.

From	01-2-1040-0001	Contingency	$ 3,277.00
To	01-2-3050-0265	Other Services	3,277.00

Purpose: To provide funds for phase two of Wang coax cable wiring for new Municipal Building for Wang computer terminals on order and about to be installed.

From	01-3-3100-0123	Surplus Reserve	$ 3,108.59
To	01-2-1040-0410	Retirement Credits	3,108.59

Purpose: Funding credits to retirement from a reserve account established for that purpose - Bruce W. Harris.

From	01-2-5100-0601	Radios	$ 4,304.80
To	01-2-5100-0701	Office Furniture	4,304.80

Purpose: To provide funds for furniture and partitions for new building inspector position and Administrative Assistant II position for new office building in Inspections Department.

From	37-2-8994-0100	Lions Park	$ 75.00
To	19-2-8020-0700	Equipment	75.00

Purpose: To replace revolving fund money used for outdoor P.A. system that was funded by a subsequent gift.

From	01-2-6010-0260	Off. & Other Supplies	$ 500.00
To	19-2-8240-0700	Equipment	500.00

Purpose: To place Gold Medal Award Money into account to purchase Phonic Ear System.

From	19-2-8220-0534	Prog. Reserve	$ 1,000.00
From	19-2-8030-0534	Prog. Reserve	2,283.43
To	01-2-6010-0757	Van	3,283.43

Purpose: To supplement account to purchase Van for Senior Citizens Program.

From	38-2-3310-0100	Glen Eden Park	$ 2,350.00
To	38-2-3310-0104	Glen Eden Park D	2,350.00

Purpose: To establish account for soil testing, materials testing, legal advertising, and other miscellaneous items for development of Glen Eden Pilot Park Phase II.

From	01-2-4040-0720	Automobile	$ 240.00
From	01-2-4040-0620	Automobile	145.10
From	01-2-4020-0284	Educational Assist.	509.06
To	01-2-4030-0620	Automobile	894.16

Purpose: Additional funds needed to purchase police vehicles.

From	01-2-4010-0620	Automobile	$ 120.00
From	01-2-4020-0620	Automobile	2,050.10
From	01-2-4030-0720	Automobile	5,653.78
To	01-2-4030-0620	Automobile	8,823.88

Purpose: Additional funds needed to purchase police vehicles.

From	01-2-5050-0227	Repairs to Equipment	$ 3,000.00
From	01-2-5020-0617	Leaf Machines	4,426.80
To	01-2-5050-0701	Council Chairs	7,426.80

Purpose: To establish account and provide sufficient funds to replace City Council chairs.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 34-2-3410-0100	Equipment Service Depot	$ 5,000.00
To 34-2-2600-0100	Mediation Services	5,000.00

Purpose: To provide funds for Mediation Services for Wake County, if approved by City Council.

From 01-2-5050-0225	Repairs Bldg. & Stru.	$ 1,325.00
To 01-2-5050-0702	Office Furniture	1,325.00

Purpose: To provide sufficient funds to purchase needed furniture for Administrative Asst. I position, 1 typewriter, 1 calculator, 1 file cabinet.

From 43-2-5080-0100	Contingency	$ 1,375.00
To 43-2-5090-0100	Salaries	1,200.00
To 43-2-5090-0101	Fringes	175.00

Purpose: To provide funds for remainder of fiscal year for the Expeditor position.

From 43-2-6000-0100	Pub. Fac. Imps.	$ 63,396.00
To 43-2-6000-0106	Lee Street Mini Park	63,396.00

Purpose: To provide funds for Jobs Bill Public Facilities Improvements

From 01-2-4130-0265	Other Services	$ 11,000.00
To 01-2-4110-0700	Haz. Mat. Equipment	8,000.00
To 01-2-4110-0233	M & O	3,000.00

Purpose: To provide supplemental funds for the purchase of foam and foam eductors for the Haz Mat Program and to replace money expended from the M & O account on the Haz Mat Truck

From 34-2-3805-0100	Municipal Complex	$ 573.38
To 34-2-3805-0109	Elevator Contract	573.38

Purpose: Change Order (EL-1) to Elevator Contract for new Municipal Building - Dover Elevator Company.

From 34-2-3805-0100	Municipal Complex	$ 3,300.00
To 34-2-3805-0101	General Contract	3,300.00

Purpose: Change Order - New Municipal Building - Mid South Construction Company, G-8.

From 01-2-1040-0001	Contingency	$ 49,626.00
To 01-2-1100-0100	Salaries	26,851.00
01-2-1220-0100	Salaries	$ 22,775.00

Purpose: To set up salaries account for position authorized by Council on 2/7/84.

Adopted: 2/7/84

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

HAVEN HOUSE - COMMENTS RECEIVED

City Attorney McCormick briefly explained a situation in which Haven House has what has been deemed to be a group care facility within an apartment complex. He indicated this matter went before the Board of Adjustment and a decision was made and the appeal period for the Board of Adjustment decision runs through February 9. Mr. McCormick indicated he had received a request from a Board Member of Haven House requesting that the City Council extend the appeal period for that case. He briefly explained various alternatives that would be available to the City Council and indicated if the Council wished to honor this request that basically they would be instructing the City Attorney not to assert as a defense that their appeal was filed late. He indicated by doing this the Council would be waiving a defense that they have available to it. City Attorney McCormick indicated he was not making a recommendation on this item but relaying the request to Council. He indicated he had spoken to representatives of Haven House and suggested that they may best protect themselves with a Petition for Certiorari, however, he is not sure how they plan to approach this matter. He indicated he is not sure exactly what Haven House might be appealing, if they do appeal, pointing out the request before the Board of Adjustment was a request that the Zoning Inspector's interpretation be overturned as it relates to them being a group care facility or be granted a permit. He indicated the Board of Adjustment did grant a permit to Haven House to operate the facility. He pointed out even if the Council chose to direct him, as City Attorney, not to assert the defense that their appeal was late, that it does not mean that some other body or person couldn't assert that as a defense if an appeal is filed late by Haven House representatives.

Lengthy discussion took place relative to recent discussions in Law and Finance Committee relative to Group Care facilities in apartment complexes as well as why this item is before the Council and if the City is involved. City Attorney McCormick indicated even if the City Council grants the request of the Haven House Directors, he does not feel it protects them and he feels the best avenue to fully protect their right of appeal would be to file an abbreviated Petition of Certiorari. He indicated even if Haven House does appeal, the City of Raleigh might not be involved. He explained how cases or appeals are filed and how sometimes the City is involved and sometimes it is not. He indicated there are some situations where the City would be on the side of the Board and there are other cases where the City may have an opposite opinion than the Board's decision. He pointed out any person aggrieved by the

Board of Adjustment's decision has the right to appeal. Ms. Babb indicated Howard Miller, representing Haven House, would like an opportunity to speak and as a point of personal privilege, she would ask that this be allowed.

Howard Miller, representing Haven House, Inc., indicated that this activity is an independent living environment and Haven House, Inc. does not feel that their operation should be classed as a group home, therefore, they had intended to appeal because of the Board's ruling that they are a group care facility. He stated, however, what they would like to do is work out a set of arrangements through a text change or whatever to speak to this type facilities. He indicated the Board of Adjustment did grant a one year permit so it will have to be renewed, however, they had hoped to have an opportunity to work with the City Administration and the City Council to develop the appropriate text change to address this type of situation or program. City Attorney McCormick indicated if he were the attorney representing Haven House, he would appeal to protect Haven House's status the best way possible. Mr. Walters questioned if the City Council had enjoined Haven House in this matter and why the Attorney was even involved. Lengthy discussion followed after which the Council agreed to accept this as information, advising Haven House, Inc. they do have the right to appeal the Board of Adjustment's ruling. City Attorney McCormick indicated there is no stigma to having this reviewed by the courts or anyone. He indicated regardless of the opinion of different Council Members as to whether this is or is not a group care, he feels that the best way for Haven House to keep the matter open is to file an appeal. No further action was taken and the item was received as information.

REPORT OF MAYOR AND COUNCIL MEMBERS

PLANNING COMMISSION - MR. WALTERS APPOINTED AS LIAISON

Mayor Upchurch indicated he would like to appoint Mr. Walters as the City Council liaison to the Planning Commission indicating Mr. Walters had stated he would like to serve in this capacity. Without objection, the appointment was made.

URBAN TREE PROGRAM - APPEARANCE COMMISSION ASKED TO STUDY AND REPORT BACK TO INTERGOVERNMENTAL COMMITTEE

Mayor Upchurch indicated that the Intergovernmental Committee has an item that Mr. Keller introduced last fall relating to the Urban Tree Program. He stated he would like to ask the Appearance Commission to begin work on this item and report their findings and recommendations to the Intergovernmental Committee. Without objection, this is agreed.

ESTY HALL - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch requested that an item relating to Esty Hall be referred to the Intergovernmental Committee. Without objection, the item was so referred.

SCHOOL OFFICIALS - MEETING - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mayor Upchurch indicated he had met with several officials of the school administration and School Board and it was felt that it would be very good and worthwhile to have some discussion between the full School Board and the City Council. Therefore, he would request the Intergovernmental Committee to set up a meeting between the Council and school officials, possibly a breakfast meeting. Without objection, the item was referred to Intergovernmental Committee.

PENWOOD DRIVE - COMPLAINT - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor Upchurch indicated Council Members had received a complaint from John Voorhees relative to Penwood Drive. Mrs. Block requested that this item be referred to Public Works Committee. Without objection, the item was so referred.

SPORTS FESTIVAL - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Upchurch indicated he had received some information on the Sports Festival Program that has been endorsed by the City of Raleigh, City of Durham and Town of Chapel Hill. He stated he would like to refer to the Law and Finance Committee an item relating to the Sports Festival to see how the City Council could or should get involved in this program. Mr. Keller indicated he understood representatives or organizers of the Sports Festival would like to discuss an appropriate arrangement whereby the City could state its support and involvement in this program. He indicated the Olympic Committee will be coming to visit the area the first of March. Without objection, the item was referred to the Law and Finance Committee.

TRAFFIC - ASHTON DRIVE - REFERRED TO ADMINISTRATION

Mr. Congleton indicated since North Hills Drive has opened that people are using Ashton Drive as a cut-through to get on Shelley from North Hills Drive. He stated he did not know if anything could be done but he would like for Administration to look at the problem. Without objection, the item was referred to Administration.

POOLS - FUNDING FOR POOLS 5 AND 6 - ADMINISTRATION TO REPORT

Mr. Congleton asked that Administration consider how the City will proceed with funding for pools 5 and 6 - Millbrook and Fletcher pools pointing out, as he understands it, the bond money will probably be utilized totally with pools 3 and 4. Without objection, the item was referred to Administration.

PLANNING COMMISSION - POSSIBLE JOINT COMMISSION WITH COUNCIL - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Mr. Congleton asked that an item relating to the idea of a joint City/County Planning Commission be referred to the Comprehensive Planning Committee. He indicated he would like for the Committee to discuss pursuing the idea and talk about it from a Raleigh perspective. He indicated, then possibly, the matter could be reported out and referred to the Intergovernmental Committee for discussions with the County. Without objection, the item was referred to Comprehensive Planning Committee.

NEUSE RIVER SEWER OUTFALL - LAND OWNERS ENCOURAGED TO CONDUCT STUDY

Councilman Walters presented a memorandum which noted everyone involved has a keen interest in the Neuse River outfall. He reported the land owners at the Neuse River Basin and the Perry Creek Basin who are especially affected met January 30 and have requested that he bring their concerns to the City Council. He stated the land owners asked that they be authorized to employ an engineering firm to make a sanitary sewer plan study for this area and present it along with a recommendation to the Council. Mr. Walters moved that the Council encourage these land owners to conduct such a study and subsequently present the findings and recommendations to the City Council. His motion was seconded by Mrs. Block. Ms. Babb questioned if the motion indicates the Council is encouraging them to do the study and assuring that the Council will receive it and consider it. Mr. Walters explained Ms. Babb's understanding of the motion is correct. Mrs. Block explained this is also in the Public Works Committee and the developers involved were encouraged to come back to the Committee with cost, plans, etc. She agreed that the Council should encourage development in this area. A vote on the motion was taken and passed unanimously. The Mayor ruled the adoption adopted.

CONDOMINIUMS - MINIMUM LOT SIZES - REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Cates asked that an item be referred to Public Works Committee relating to minimum lot sizes for condominiums. She indicated she fees we have already run into some problems and she feels that if the minimum lot sizes for condominiums is not studied, we might run into some difficult problems. Without objection, the item was referred to Public Works Committee.

TRAFFIC - HILLSBOROUGH TWO-WAY - STATUS REPORT REQUESTED

Mrs. Block asked that Administration give a report on the two-way traffic on Hillsborough Street. She indicated residents of Boylan Apartments say that they had eighteen parking spaces on Hillsborough Street and all but four have been eliminated. She questioned if this is true and if there is anything the City can do about it questioning if there is any other place that the residents can park or if there is any way the City can help with the parking situation. Without objection, the item was referred to Administration.

OCCUPANCY LIMITS - VARIOUS SUGGESTIONS - TO BE PLACED ON FEBRUARY 21 AGENDA

Mrs. Block indicated several months ago she asked for help about how the City could deal with businesses that exceed occupancy limits. She indicated she has an opinion from the City Attorney that requires some action on the City Council's part. She indicated, as she understands it, the Code allows for the City Council to revoke a license if an owner or operator is convicted of overcrowding. She indicated she believes that the City Council should direct Administration to notify the Council of any violations and/or convictions so that action could be taken to revoke the permits. She indicated another thing is that General Statutes 143-138H sets the top fine for exceeding occupancy limits at $50 and she feels that this should be changed. Therefore, she would suggest that the Council request the North Carolina League of Municipalities to make such a change a part of its next legislative program, that is, an amendment to allow cities to use any of the enforcement mechanisms normally available to them under G. S. 160A-75 and increase the $50 fine. She indicated she would also request that Administration be directed to report each violation of exceeding occupancy limits to the ABC Board for their consideration. She stated, in addition, she would like to ask that the Council write each present member of the Legislature and each candidate a letter asking them that they sponsor the change that she is suggesting that the Council ask the League to support.

Discussion took place with it being pointed out all Council Members had not received a copy of the City Attorney's letter after which it was agreed to place this item on the February 21 Council Agenda as a special item and that a copy of City Attorney McCormick's letter be given to all Council Members.

AD VALOREM TAX FUNDING FOR SENIOR CITIZENS PROGRAM - INFORMATION RECEIVED

Mr. Congleton indicated he had asked the City Attorney for an opinion relative to the use of ad valorem tax for funding of Senior Citizens Program. He indicated that the City Attorney has stated that G. S. 160A-209(27a) specifically states that cities may

"undertake programs for the assistance and care of senior citizens." Mr. Congleton presented Council Members with a copy of the City Attorney's memo.

ATLANTIC AVENUE - STATUS REPORT REQUESTED

Mr. Congleton asked that Administration have a status report on the Atlantic Avenue project for presentation at the next meeting, the item was referred to Administration.

REPORT AND RECOMMENDATION OF THE CITY CLERK AND TREASURER

MINUTES - JANUARY 17 and 19 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the January 17 Council Meeting and joint meeting with the Planning Commission and the joint meeting with the Planning Commission of January 19. Mr. Keller moved approval of the minutes as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The City Clerk indicated Council Members received in their Agenda packets two proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listing estimated by the Wake County Tax Supervisor for refunds made during December for clerical error purposes. Mr. Keller moved adoption of the resolution and listing as recommended. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-451

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	John Peter Scavone	13-8-5252634	$ 9,340	Relieved
1984	John Peter Scavone	01-8-5252637	3,660	Relieved
1984	John Peter Scavone	01-8-5256384	3,735	Relieved
1984	John Peter Scavone	01-8-5256387	3,990	Relieved
1984	John Peter Scavone	01-8-5256390	4,705	Relieved
1978	John Peter Scavone	01-2-5929842	3,260	Relieved
1984	Noland Company, Inc.	01-7-5254659	318,514	Relieved
1984	Noland Company, Inc.	01-7-5254662	656,922	Relieved
1984	Noland Company, Inc.	01-7-5254665	562,903	Relieved
1984	Noland Company, Inc.	01-7-5254668	491,992	Relieved
1984	Noland Company, Inc.	01-7-5254671	459,870	Relieved
1984	Noland Company, Inc.	01-7-5254674	353,707	Relieved
1983	Kimberly Jennings Jordan	01-2-5421384	3,510	Relieved
1984	Nancy A. Minton	07-8-5252619	800	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1983	Gillian Campbell	$ 2,040
1983	Financial Investment Associates, Inc.	100,553
1983	Financial Investment Associates, Inc.	117,721
1983	Financial Investment Associates, Inc.	139,795
1983	Financial Investment Associates, Inc.	161,868
1983	Financial Investment Associates, Inc.	88,304
1983	Franklin Baking Company, Inc.	35,884
1983	Franklin Baking Company, Inc.	35,884
1983	Franklin Baking Company, Inc.	35,884
1983	Franklin Baking Company, Inc.	35,884
1983	Franklin Baking Company, Inc.	35,884
1983	Franklin Baking Company, Inc.	35,884

Section 3. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 2/7/84

RESOLUTION NO. (1984) - 452

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Adams, Dennis Augustine	07-2-5400144	$ 14.32	Error-Illegal Bill.
1982	B. A. Leasing Corp.	01-1-5197743	575.21	Error-Illegal Bill.
1981	Hamilton/Avnet Elec. of N.C., Inc.	01-1-5165401	2,551.76	Error-Illegal Bill.
1983	Hargrove, Johnnie Frank & Queen E.	01-2-0072083	4.28	Error-Illegal Bill.
1982	Moss, Edgar J.	01-2-5849905	70.62	Error-Illegal Bill.
1983	Murray, Frank Don	07-2-5428685	75.24	Error-Illegal Bill.
1983	N. C. National Bank	01-1-5035171	54.91	Error-Illegal Bill.
1983	Pace, Catherine H.	01-2-5859332	50.30	Error-Illegal Bill.
1982	Parker, Clifton G., Jr. & Jewell A.	01-2-0077807	70.62	Error-Illegal Bill.
1983	Rumley, James P. & Anne H.	01-2-0061633	2.09	Error-Illegal Bill.
1983	Thomas, Betsy N.	01-2-5243550	67.51	Error-Illegal Bill.
1983	Williams Associates	01-7-5443609	2.83	Error-Illegal Bill.

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 2/7/84

TAXES - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

During the last Council Meeting, a proposed resolution relating to rebates and/or refunds of taxes was presented with recommendation for adoption. Two of the items related to the Noland Company, Inc., and John Peter Scavone. Mrs. Block requested information as to why the Tax Committee recommended relief. Memorandums from the Revenue Collector explaining the recommendation will be included in the Council Agenda packet. If this satisfies the concern, it is recommended that the proposed resolution be adopted. Mr. Congleton moved approval of the resolution as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 453

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Bailey Supply, Inc. Sherwood Bailey	01-7-5250391	$5,045	Relieved
1983	Tri Continental Leasing	01-7-5236401	8,904	Relieved

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/7/84

PRELIMINARY SEWER ASSESSMENT ROLL 1006 - RESOLUTION ADOPTED

The City Clerk presented Preliminary Sewer Assessment Roll 1006 for the installation of an 8-inch main within Winthrop Drive with the recommendation of adoption which would set a public hearing to consider confirmation of cost. Mr. Keller moved adoption of the resolution as presented. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 454

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1006

WHEREAS, by Resolution No. 1983-328 adopted by the City Council on August 16, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of 680 feet of 8-inch sanitary sewer main within Winthrop Drive beginning at existing manhole just east of Dodsworth Drive, stopping short of Braddock Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $15,994.00.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT. NO.	AMOUNT ASSESSED
Robert & Marilyn Dixon	1	0018459	63	$1,599.40
James & Betsy Crowder	2	0025161	62	$1,599.40
John G. Scandalios	3	0053069	61	$1,599.40
Grover & Lequita Cobb, Jr.	4	0013666	60	$1,599.40
Teinlie & Marsha Tai	5	0024294	59	$1,599.40
Anthony & Brenda Olls, Jr.	6	0052076	58	$1,599.40
William & Anna Rhodes	7	0049970	69	$1,599.40

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT. NO.	AMOUNT ASSESSED
Harold & Grace Buckley	8	0025166	70	$1,599.40
Harold & Phyllis Pattee	9	0049983	71	$1,599.40
H. Warner & Mary L. Goodrich	10	0025167	72	$1,599.40

Cost per lot: $1,599.40

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1006 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 20th day of March, 1984, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina, (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/7/84

PUBLIC RECORDS - BOARD OF ADJUSTMENT MINUTES/APPLICATIONS FOR YEARS 1950-1967 - DESTRUCTION AUTHORIZED

The City Clerk requested permission to destroy Board of Adjustment applications and minutes for the years 1950 through 1967 indicating these have been microfilmed and according to Chapters 121-5, 132 and 153A-436 these records can be destroyed after microfilming, upon approval of the North Carolina Department of Archives and the governing bodies. The City Clerk indicated permission has been received from the Department of Archives. It was pointed out these records compose an area of approximately 14 cubic feet. Mr. Congleton moved approval for destruction of the records as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SALE OF SURPLUS PROPERTY - PREVIOUS ACTION RESCINDED

The City Clerk indicated during the January 17, 1984, Council Meeting, Jim Farthing, 2904 Lucerne Place, was at the meeting asking for abandonment of an unused sanitary sewer easement on his property. The City Council at that meeting declared the property surplus and directed Administration to negotiate a price and then advertise for Upset Bids. The City Clerk indicated she has now learned that Mr. Farthing is a City employee and according to the City Attorney, the City cannot enter into a contract with a City employee. Brief discussion took place with it being pointed out the City could not legally sell nor give the property to Mr. Farthing, therefore, Mr. Keller moved that the previous action of declaring the sanitary sewer easement on the rear of 2904 Lucerne Place surplus property be rescinded. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SIR WALTER RALEIGH AWARD - EXECUTIVE SESSION HELD

Mr. Keller moved that the Council go into Executive Session to consider the nominations for the Sir Walter Raleigh Award. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Council went into Executive Session at 4:30 p.m. in the old City Council office. The Council reconvened at 4:58 p.m. after which Mayor Upchurch announced the meeting adjourned to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

emw/1CM1

The City Council of the City of Raleigh met in regular reconvened session on Tuesday, February 7, 1984, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

WAKE FOREST ROAD WIDENING PROJECT - REQUEST FOR INFORMATION - REFERRED TO ADMINISTRATION

James W. Harris, 413 Frank Street, indicated there is currently some construction work for new storm drainage in Wake Forest Road going on. He indicated it took him over an hour in City Hall to find out what was involved and determined it is PW 1983-3, the widening of Wake Forest Road. He stated he questioned why this involves storm drainage installation and no one seemed to be able to answer his question. He indicated on January 7 as he tried to go home in the afternoon he found large chunks of concrete 8 feet long and 5 feet in diameter in the road and it was only Friday, February 3, before he was able to use his driveway again. He stated his main objection to this project is the impolite, inconsistent manner in which it is being carried out. He stated there was a total lack of any effort by any City official to contact the people directly involved and explaining what is being done and what they could expect and the impact that this project will cause on the neighborhood. He indicated the snow and rain came and it had cleaned about an inch of crud off of his car pointing out the crud came from the construction work. He indicated the street is a mess now. He stated all of this occurred without any notice whatsoever to the property owners. He questioned how long it will be before the disaster area is cleaned up. He explained past work that has gone on in their neighborhood and how long it took for the City crews to come out and clean the mess up. He pointed out the City's projects seem to take forever and cited the Fayetteville Street Mall project pointing out the City almost killed downtown during that construction. He indicated the residents of the City have to live with what the Council authorizes to be done and questioned when the policies are going to change to let the people who are most directly involved know what is going on so if there are any objections or if there are any problems, the people can have input. He indicated he would like the opportunity to present the City Council with a citation of contempt of people as that is what they are doing.

Mr. Upchurch indicated the Manager has heard the presentation and will look into it and he assures that the construction work will be cleaned up as soon as possible. Mrs. Block indicated she would like to know what the City's notice policy is relating to this type work. Mr. Harris indicated he has information that all City officials are lying about this and will lie about the notice provisions. Mrs. Block indicated if Mr. Harris has any information or complaints, she would request that it be given to the Council in writing. His comments were received and referred to Administration.

ENCROACHMENT AGREEMENT - IRREGARDLESS CAFE - APPROVED CONDITIONALLY

A representative of Irregardless Cafe was at the meeting to request an encroachment agreement for steps and railing relating to an additional fire exit for their dining room located on Morgan Street. It was pointed out the encroachment, however, would be on the Tryon Street side. He explained for safety, conformance to the City Fire Code, etc., they need to construct the additional exit. He indicated they could do this without the encroachment, however, he would have to partition off a place in his kitchen in order to have the outside exit and it is hoped that he would never have to use this exit. He indicated what he proposes is a fire exit that would have a 3' x 6'8" door, and the dining room floor level would be approximately 52 inches above ground. He indicated the steps and handrail would have to be built on City property. He pointed out the proposed steps and handrail would not impede normal pedestrian traffic on Tryon Street explaining this is an unpaved road without sidewalks. He indicated the proposed steps and railing would be a maximum of 56 inches in width and would extend approximately 49 inches out from the building which would encroach on City property for about 3 feet. City Manager Benton indicated the Staff has no objection to the request as it doesn't appear to adversely affect the public access, therefore, Administration would recommend approval subject to the standard encroachment agreements being executed and proper insurance provided. Mrs. Block moved the encroachment be approved with the stipulations outlined. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HOLLY RIDGE FARM - SUBDIVISION - PROBLEMS - PROPERTY OWNER TO WORK WITH ADMINISTRATION

Terry Harris of Harris Realty indicated he was representing a Mr. Gibson who owns a 10-acre tract of land known as Holly Ridge Farms. He indicated Mr. Gibson purchased this in 1977 and contacted representatives of the County and was told that he could build on this tract of land or it could be subdivided. He indicated then it was taken into the City's jurisdiction. He indicated when his client tried to get a building permit, they were told that the map hadn't been recorded showing the individual lots or the 15-acre tract from which his client purchased a 10-acre tract. He indicated he has seen the recorded map which is a survey showing the metes and bounds description, however, his client has lost the sale due to not being able to get a building permit. He indicated the subdivision has some tracts as small as 1.8 acres. He indicated they did check with the Planning people and asked if it could be subdivided further and were told it could not because of the road situation. He indicated basically what they have is a tract of land that they cannot get building permits on and pointed out it is 10 acres so they feel they should not have to comply with subdivision regulations.

City Manager Benton indicated this area was taken into the City's jurisdiction several years ago. He indicated one of the conditions of that ETJ extension was that the City would honor all approved subdivisions until January 1, 1984. He indicated this particular land was a part of a 100-acre tract that was subdivided by deed and did not go through the County subdivision process. He indicated apparently some of the tracts do have problems as they do not have public access and any subdivision approval that the County may have given expired January 1, 1984. He indicated it seems that the property owners should go through the City's subdivision process to solve the problem. Mr. Harris indicated the subdivision has been recorded pointing out he has seen the subdivision map that has the stamp on it and as far as he knows it did go through the County subdivision process. He indicated his client didn't receive any notification that he was being taken into the City's jurisdiction and now he has a piece of property that he does not know what to do with. He stated there should be some avenue other than the City requiring him to pave the road which is what will happen if it has to go through the City's subdivision process. City Attorney McCormick indicated evidently the proposal didn't conform under the City nor the County's planning rules so the fact that his client didn't get notice doesn't really have any impact. Mr. Harris questioned if he went back to the County and determined that they did record the map, it looks to him as if that would show it did go through the subdivision process. City Attorney McCormick indicated all recorded maps are not subdivision. He stated the only division of property he is aware of in this particular case occurred by deed and this is the first mention he has heard of a subdivision map being recorded. City Manager Benton indicated the City Staff would be happy to set down with the property owner and try to find some solution with Mr. Harris indicating there has been an attempt to do that as his client has talked with some members of the Planning Department and one of the Assistant Attorneys. City Attorney McCormick again indicated this is the first he has heard of a recorded map. He stated, however, even if there was an original subdivision map and a 15-acre piece was cut out and then it was cut down to a 10-acre parcel of land, then it is still an illegal subdivision. Mr. Harris questioned if there is any other avenue such as the Board of Adjustment pointing out we have a subdivision existing with houses with City Attorney McCormick indicating the Board of Adjustment doesn't have any jurisdiction over subdivision regulations. Mayor Upchurch indicated it looked to him as if the only recourse would be for Mr. Harris to come back with a subdivision request or meet with the City Attorney and Administration to see if something could be worked out and brought back to Council. Without objection, this was agreed to.

NORTH CAROLINA MUSEUM OF ART - REQUEST FOR ENCROACHMENT - TO GO THROUGH REGULAR SITE PLAN APPROVAL

The Director of the Art Museum was at the meeting indicating he was representing the North Carolina Department of Cultural Resources. He indicated Council Members had received the request for encroachment on the right-of-way for an addition relating to the new Art Museum. He stated he would be glad to answer any questions. It was pointed out that the project is the renovation/restoration of the former North Carolina Museum of Art and a new addition. The new addition has a colonade which turns the corner from Blount to Morgan Street. Because of the grade change at the intersection of Blount and Morgan Streets, curve steps are proposed in lieu of a wall along Morgan Street. The N. C. Department of Cultural Resources is requesting the City of Raleigh to grant an encroachment along Morgan Street to allow for a handicapped ramp and steps. The steps and ramp within the encroachment would be constructed so that they could be removed in the future when, and if, required by the City. The encroachment on Morgan Street would be approximately 140 feet in length and 6 feet in width.

City Manager Benton indicated this is a fairly complicated request pointing out the encroachment requested would go out onto the sidewalk for about one-half width of the sidewalk. He indicated the existing sidewalk is 10 to 11 feet wide so the pedestrian sidewalk that would be left would only be 5½ to 6 feet. He indicated the City Staff is concerned about the volume of pedestrian traffic and the possible increase in pedestrian traffic being crowded onto the smaller sidewalk. He indicated it is his understanding that the whole project, since it is in the O&I-II zoning district, must go through the site plan approval process and maybe it would be appropriate to consider the request for encroachment during site plan review. He stated Administration at this point does express some reservation about the width of the encroachment. Mrs. Block indicated she knows it would have to come through site plan

approval but at this point she would like to compliment the State on what they are doing. She indicated the architectural rendering and the pictures included in the Agenda packets looked great. She stated she feels that the City could get along with a 6 foot sidewalk in this section. It was pointed out since this does have to go through site plan review that the request for encroachment would be considered at that time.

ENCROACHMENT - 1906 HILLSBOROUGH STREET - APPROVED CONDITIONALLY

Charles Case, representing Darryl's at 1906 Hillsborough Street, was at the meeting to request permission to encroach on the right-of-way to extend the greenhouse that is being constructed during the renovation of the existing Darryl's. He indicated he has had numerous conversations with City Attorney McCormick and Assistant Engineer Joe Beane relative to this question pointing out that there are some ambiguities that exist about the right-of-way on Hillsborough Street. He indicated Darryl's had gone to the Board of Adjustment to request a Special Use Permit and they thought the question was straightened out at that time but it has now been determined that it is not; therefore, he is at the meeting to ask permission to encroach on the right-of-way, if it is right-of-way, in order to put the two glass greenhouses that will be added to the front of Darryl's. He pointed out there is an 11 foot sidewalk at this particular location on Hillsborough Street and that is about 5 feet more sidewalk than is on Hillsborough Street approximately a block away. He indicated for some reason there is a change of the right-of-way line at the edge of Darryl's property, therefore, they decided the best way to resolve this problem is to come to Council and ask for permission to encroach on the right-of-way.

City Manager Benton indicated the area in question is a 3'3" wide area beginning at Ferndale Lane going east. He stated the area is not clearly City right-of-way nor clearly the adjacent property owner's. He indicated the City has identified what we think is the right-of-way for Hillsborough Street. He indicated this involves the question of ownership of that strip between what we think is City right-of-way and private property line. He explained Hillsborough is part of the State Highway System so the City would have to subordinate to the State. He indicated there is an existing sidewalk and it does vary in width but because of the high pedestrian traffic in this area, the City is concerned about diminishing any of the sidewalk. Mr. Case indicated no one is sure about the ownership question and there seems to be no real way to determine that. Jerry Cook, who works with Darryl's, indicated the entrance would be on the corner of Oberlin Road and pointed out in reality they are actually widening the sidewalk. He indicated there is a section of old steps that lead down to the subway and if the greenhouse is constructed, they will be getting rid of the steps. He indicated the greenhouse would be only about 2½ feet out into this section so actually there would be more sidewalk than presently exists. Discussion took place relative to Mr. Case's conversations with representatives of the State after which Mrs. Block moved approval of the encroachment subject to the State's concurrence and execution of the usual encroachment agreements, etc. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. Various Council Members commended Mr. Case for the work Darryl's is doing on Hillsborough Street.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT AND UNSAFE BUILDINGS - REPEALERS AT VARIOUS LOCATION - ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1983-233 declared property at 510 South Blount Street unfit. The property is in the name of Lillian Freeman. He indicated the owner has been relocated and the property is scheduled to be acquired by the Housing Authority, therefore, this portion of the ordinance should be repealed. He indicated Ordinance 1983-225 declared property at 105 East Edenton Street unfit. He stated it has been repaired by the property owner, therefore, this ordinance should be repealed. Mr. Bartholomew indicated Ordinance 1983-268 declared property at 1004 Bunche Street unfit. He stated it has been repaired by the owners or is in the process of being repaired, therefore, he would like to request that this portion of the ordinance be repealed also. Mr. Calloway moved adoption of the repealer ordinances as outlined by Mr. Bartholomew. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984 - 281

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1983 - 233 RELATING TO THE PROPERTY OF LILLIAN FREEMAN, LOCATED AT 510 SOUTH BLOUNT STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1983 - 233 relating to the property of Lillian Freeman and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1983 - 233 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective February 7, 1984.

Adopted: 2/7/84

ORDINANCE NO. 1984 - 282

AN ORDINANCE REPEALING ORDINANCE NO. 1983 - 225 RELATING TO 105 EAST EDENTON STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. That 1983 - 225 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 2/7/84

ORDINANCE NO. 1984 - 283

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1984 - 268 RELATING TO THE PROPERTY OF LORENZA A. LYNCH, LOCATED AT 1004 BUNCHE STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1984 - 268 relating to the property of Lorenza and Lorine Lynch and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1984 - 268 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective February 7, 1984.

Adopted: 2/7/84

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 3821 HILLSBOROUGH STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming cost in the amount of $272 for abating public nuisances at 3821 Hillsborough Street in the name of Seaboard Railroad. The cost, if confirmed, will become a lien against the land. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Congleton moved adoption of the resolution as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CORRECTED

RESOLUTION No. 1984 - 455

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING UNSAFE BUILDING NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160-A of the North Carolina General Statutes, and Sections 2.14(33), 2.14(51), 2.14(46) and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 10, Chapter 6, Article D of the Code of the City of Raleigh, relating to the abatement of unsafe building nuisance; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the unsafe building nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code to the City of Raleigh and more specifically Part 10, Chapter 6, Article D.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to General Statutes above referred to, and makes the same a lien against the premises as provided in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	COST OF ABATEMENT
Seaboard Railroad	3821 Hillsborough Street Map 521 (No ID No. Railroad Property)	$272.00

Adopted: February 7, 1984

UNSAFE BUILDING - 1019½ SOUTH SAUNDERS STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the dwelling at 1019½ South Saunders Street unsafe and directing that it be demolished. The property is in the name of Julia Baker Strickland. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Congleton moved adoption of an ordinance declaring the dwelling unsafe as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CORRECTED

ORDINANCE NO. 1984 - 270

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 1019½ SOUTH SAUNDERS STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 7, Chapter 4, Article D of the Code of the City of Raleigh, North Carolina, and entitled, "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Inspections Superintendent for the reason that the same is an unsafe building as described in Part 7, Chapter 4, Article D, of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Julian Baker Strickland	1019½ South Saunders Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Article IV of Chapter 7 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective February 7, 1984.

Adopted: 2/7/84

UNFIT BUILDINGS - 1015 AND 603 EAST MARTIN STREET - ORDINANCE ADOPTED TO BE EFFECTIVE APRIL 4, 1984; 8 SOUTH EAST STREET - ORDINANCE ADOPTED: 411 SOUTH HAYWOOD STREET - WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the following dwellings unfit and directing that they be placarded. The Mayor opened the hearing on each case:

1015 East Martin Street - Ms. S. L. Delany. Shawn Winters indicated she was representing John Winters' company who took charge of the affairs of Ms. Delany recently.

She indicated they are in the process of making arrangements for the repairs. She indicated there are several pieces of property in this vicinity that are owned by Ms. Delaney and they are making repairs on all of them, however, they need additional time. Mr. Calloway moved adoption of an ordinance declaring the dwelling at 1015 East Martin Street unfit effective April 4, 1984. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 284.

603 East Martin Street - Ms. Maggie Page. Ms. Page was at the meeting indicating she would like additional time pointing out they had some complications in getting the deed cleared to the property as her aunt owns half interest. She said they are trying to get a loan through the CD Department. Housing Inspections Supervisor Bartholomew indicated he did know they were having problems with the title. Discussion took place as to how much time is needed after which Mr. Calloway moved adoption of an ordinance declaring the dwelling unfit effective April 4, 1984. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CORRECTED

ORDINANCE NO. 1984 - 284

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

PROPERTY OWNER	LOCATION
Ms. S. L. Delany	215 East Martin Street
Ms. Maggie Page	603 East Martin Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective April 4, 1984.

Adopted: 2/7/84

Effective: 4/4/84

8 South East Street - Ms. Kate C. Hearn, property owner. No one asked to be heard. Mrs. Block moved adoption of an ordinance declaring the dwelling unfit. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CORRECTED

ORDINANCE NO. 1984 - 285

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled, "Housing

Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1, That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

PROPERTY OWNER	LOCATION
Kate C. Hearn	8 South East Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective February 7, 1984.

Adopted: 2/7/84

411 South Haywood Street - Helen D. Smith, property. Housing Inspections Supervisor Bartholowmew indicated he had a call from the owner today asking for an inspection indicating they had completed all of the work. He stated he could not get in for the inspection today, however, at the last inspection they were almost 75% complete with the work, therefore, he would request that this item be withdrawn from the Agenda. Without objection, the item was withdrawn.

WATER ASSESSMENT ROLL 987 - HEARING TO CONSIDER CORRECTION - RESOLUTION ADOPTED

This was a hearing to consider correcting Water Assessment Roll 987 relating to U.S. 401 North. The correction is needed as it relates to Lot #18 as the incorrect frontage was used in the original confirmation. Council Members received a copy of the proposed correcting resolution in their Agenda packets. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Congleton moved adoption of the correcting resolution. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative . The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 456

A RESOLUTION TO CORRECT WATER ASSESSMENT ON U.S. 401 NORTH

WHEREAS, by Resolution No. 1982-102 adopted 11-16-82 effective 12-31-83, the City Council confirmed Assessment Roll No. 987 as set forth in Resolution No. 1982-55 and assessed property as follows:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
C. G. Mullen	18	82	$824.92

AND WHEREAS, the assessment charged against the property should be amended because of incorrect property frontage.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in GS 160A-228.

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
C. G. Mullen	18	79.78	$802.59

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records and to refund to any property owner the amount, if any, by which he (or she) has overpaid the correct amount of the assessment against his (or her) property.

Adopted: 2/7/84

ANNEXATION - PEACH CREEK SUBDIVISION - ORDINANCE ANNEXING THE PROPERTY EFFECTIVE FEBRUARY 29, 1984, ADOPTED - RESOLUTION RELATING TO ELECTORAL DISTRICT - ADOPTED

This was a hearing to consider the contiguous annexation of property known as Peach Creek Subdivision. The hearing as pursuant to petition, advertisement, and notification as required by law. Following the public hearing, if annexation is desired, it would be appropriate to adopt an ordinance annexing the property effective February 29, 1984, and adopt a resolution placing the property in Council District D. Planning Director Chapman explained the area under consideration, how it qualifies for annexation, etc. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Walters moved adoption of an ordinance annexing the property effective February 29, 1984, and adoption of the resolution placing the property in Council District D. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 286

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS PEACH CREEK

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 7, 1984, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of February 29, 1984:

PEACH CREEK
ANNEXATION DESCRIPTION

Beginning at a corner in the existing (January 1, 1984) Raleigh City Limits, said point being 340 feet ± South 28° 38' 38" East of the eastern right-of-way of Lake Wheeler Road (SR 1375), said point also being the northwestern corner of Lot 20 of the Peach Creek Subdivision as recorded in Book of Maps 1983, Page 808 of the Wake County Registry; thence with said City Limits South 81° East 661.65 feet ± to an existing iron pin in the northeastern corner of Lot 1 of Peach Creek Subdivision as shown on said recorded map; thence leaving said City Limits, following the boundaries of Peach Creek Subdivision South 3° 32' 26" West 661.58 feet ± to an existing iron pin in the southeastern corner of Lot 5 of Peach Creek Subdivision according to said recorded map; thence North 81° 22' 03" West 656.85 feet ± to an existing iron pin at the southwestern corner of Lot 16 of the Peach Creek Subdivision as shown on said recorded map; thence North 3° 29' 00" East 663.30 feet ± to the point of Beginning.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective February 29, 1984.

Adopted: 2/7/84

Effective: 2/29/84

RESOLUTION NO. (1984) - 457

A RESOLUTION TO AUTHORIZE THE INCLUSION OF PEACH CREEK IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 457 adopted February 7, 1984, annex a parcel of land being commonly referred to as Peach Creek; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Peach Creek as described in Ordinance No. (1984) 457 be added to City Electoral District D.

Adopted: 2/7/84

Effective: 2/29/84

ANNEXATION - BRITTANY WOODS - HEARING - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

This was a hearing to consider the contiguous annexation of property known as Brittany Woods. The hearing is pursuant to petition, advertisement, and notification as required by law. Administration suggests that following the hearing that this item be referred to a committee to discuss cost effectiveness of the annexation. Planning Director Chapman explained the area under consideration, improvements that would be needed, and how the area qualifies for annexation. The Mayor opened the hearing to the public.

Barrett Kays, representing Edd K. Roberts, developer of Brittany Woods, indicated when development first started, it occurred fairly fast and they didn't have time in the early phases to study the phased annexation of the property. He indicated this section involves improvements to Lynn Road pointing out they will building a five-lane section of Lynn Road that doesn't really go anywhere - just a short connection to Glendower - but it doesn't connect to any roads on the east or west. He indicated they are proposing to annex the property so that they would qualify for reimbursement of the oversized street. No one else asked to be heard, thus, the hearing was closed. Without objection, the item was referred to Intergovernmental Committee.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

Gail G. Smith
City Clerk

emw/1CM2